



## Fair Disability Compensation in Workers' Compensation Cases: When Compensation Requires More Than Medical Language

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### Summary:

Critiques New York's practice of requiring doctors to assign disability percentages for payment. Proposes replacing this with a standardized calculation based on medical restrictions and employer response, ensuring fair interim compensation until a judge's decision.

### Highlights:

- **Key Terms:**
  - *Medical Disability* – clinical impairment.
  - *Social/Economic Disability* – income loss from lack of suitable work.
  - *Effective Disability* – combined medical and employer impact.
- **Problems:** Doctors lack economic expertise; defaults to low payouts; workers may lose full wages but get minimal benefits.
- **AMSI Policy:**
  - Doctors describe restrictions only.
  - Use an actuarial table for interim pay.
  - Treat as 100% disabled if employer refuses valid restrictions.
- **Example Table:**  
0% – full duty; 25% – light duty/full week; 65% – light duty/3 days; 75–90% – limited tasks; 100% – employer refusal.

### Key Message:

Fair compensation must reflect both medical limits and employer actions—not arbitrary percentages.

### Request Full Publication:

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