



# Workers Compensation Claim State Environmental Guide - Wyoming

WYOMING – [HTTP://DOE.STATE.WY.US](http://doe.state.wy.us)

## Indemnity issues

### Temporary Total Benefits

TTD rate is based on 2/3 of the gross average monthly wage not to exceed the statewide average monthly wage (SAMW) of \$4,749.33 the second quarter of 2024. The SAMW changes quarterly. Divide the total salary by the number of days paid; then multiply by the number of days worked and then divide that total by the number of weeks. Example: If you generally worked five days per week, your AWW will be set by dividing your total salary by the total number of days paid, then multiplying the result by 260, and dividing that total by 52.

### Temporary Partial Benefits

Due at 80% of the difference between light duty wages and actual monthly earnings at the time of the injury as long as the total earnings from employment do not exceed 95% of the actual monthly earnings at the time of the injury. TPD cannot exceed the SAMW from date of injury.

### Permanent Partial Benefits

Two different permanent partial awards:

1. Permanent physical impairment (PPI) benefit is established when medical authority has determined the injured worker is at ascertainable loss. All physical impairments are measured according to the most recent (currently 6<sup>th</sup>) edition of the AMA Guides. The award is calculated at the rate of 2/3 of the SAMW for the 12-month period immediately preceding the quarterly period in which the injury occurred for the number of months determined by multiplying the percentage of impairment by 60 months.
2. Permanent partial disability (PPD) is available when the injured worker is unable to work at any occupation at a comparable or higher wage for which they are suited by experience and/or training. Benefits are calculated according to a statutory formula which takes into consideration the worker's remaining work-life, experience in other occupations, education, career plans and age. Impairments are based on a whole person.

### Permanent Total Benefits

Award is calculated on earnings at time of injury multiplied by 80 months less any previous award.

Calculations:

1. if the actual monthly earnings are less than 73% of the SAMW, the award shall be 92% of the injured employee's actual monthly earnings;
2. if the actual monthly earnings are equal to or greater than 73% of the SAMW, but less than the SAMW, the award shall be 2/3 of the SAMW; and
3. if the monthly earnings are greater than or equal to the SAMW, the award shall be 2/3 of the employee's actual monthly earnings, but the award shall be capped at and shall not exceed the SAMW.

### Fatality Benefits

In the case of death due to work related causes, and if the award computed is less than 80% of the SAMW, the award shall be adjusted to an amount not less than 80% of the SAMW.



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**Indemnity issues**

**Vocational Rehabilitation**

Yes, with a \$30,000 maximum in benefits. IW waives right to PPD

**Settlement Allowed**

Yes, of all issues (medical and indemnity) as a result of legal action.

**Disfigurement**

Maximum: not to exceed six months of compensation based on a rate that is equal to 2/3 of the gross average monthly wage. Previous disfigurement is apportionable.

Cap on benefits, exceptions

**Medical issues**

**Initial Choice of Provider**

Injured worker has choice of medical provider.

**Change of Provider**

Yes, with written approval of the Division.

**Medical Fee Schedule**

Yes

**Managed Care**

Not permitted.

**Utilization Review**

None.

**Treatment Guidelines**

Yes, Knee, shoulder, spine, carpal tunnel, IDET, Impairment Rating, Pain Management, Narcotic Management, Joint Revision, CT scan, Chiropractic, Physical Therapy

**Generic Drug Substitution**

The state mandates generic substitution.

**Medical Mileage Reimbursement Rate**

The Governor informs that the mileage rates for reimbursing state employees for use of personal vehicles upon state business is 67 cents a mile when no state vehicle is available and 47 cents a mile when the use of a personal vehicle is for the convenience of the employee. These rates are effective January 1, 2024, until further notice. Mileage must be reimbursed within one year of travel and distance must be greater than 10 miles.

**Network Information**

Yes

**Ability to Terminate Medical Treatment**

Yes, with an IME, this is binding. Injured worker can challenge IME findings at hearing.

**Settlement Allowed**

Yes, see above.

**Cap on benefits, exceptions**

None.

**Other Issues**

**Compensability Decision Timeframe**

Compensability decision made within 15 days unless additional investigation is needed.

WC Hearing Docket Speed

**Staff Counsel**

None.

**Hearings require attorney or claim handler participation**

Yes, attorneys are required. Claim handlers do not have to be present. Disputes are handled in civil court.

**Occupational Diseases**

Yes.

**Second Injury Fund availability**

No

**Other Offset Opportunities**

Apportionment is permitted.

**EDI**

Not Applicable.

**In-State Adjusting Required**

No, but if adjusted out-of-state, a license (by exam) is required. Reciprocity granted if adjuster is licensed in another state (other than OH & NV).

**License or Certification Required**

See above.