



# Workers Compensation Claim State Environmental Guide – North Carolina

NORTH CAROLINA – <http://www.ic.nc.gov/>

## Indemnity issues

Temporary Total Benefits	<p>Min: \$30.00</p> <p>Max: \$1,254.00 in 2023-- Changes annually each January (usually announced in July of the previous year).</p> <p>Waiting period: 7 days</p> <p>Retro period: 21 days</p> <p>Temporary Total cap – For dates of loss prior to 6/24/2011, the injured worker is entitled to lifetime indemnity benefits if the injured worker cannot return to work or claim cannot be resolved. A 500-week cap applies for dates of loss after 6/24/2011 unless the injured worker qualifies for “extended compensation.”</p> <p>Extended compensation is defined as TTD beyond 500 weeks and is allowed only if: 1. At the time the injured worker makes application to the commission for extended compensation, 425 weeks have passed since the date of first disability, and 2. The injured worker proves by preponderance of the evidence that they have sustained a total loss of wage-earning capacity.</p>
Temporary Partial Benefits	<p>Min: No minimum</p> <p>Max: \$1,254.00 in 2023– Changes annually each January.</p> <p>Waiting period: 7 days</p> <p>Retro period: 21 days</p> <p>Limited or unlimited benefits: For dates of loss prior to 6/24/2011 - 300 weeks from date of loss. For dates of loss after 6/24/2011, the temporary partial benefit cap is 500 weeks of total compensation, not necessarily from date of loss.</p>



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**Indemnity issues**

Permanent Partial Benefits	<p>Min: No minimum                      Max: \$1,254.00 in 2023                      Waiting period: No compensation is allowed for the first seven calendar days of disability resulting from an injury. However, if the injury results in disability of more than 21 days, the compensation shall be allowed from the date of the disability.                      Retro period: None                      Limited or unlimited benefits: Limited to schedule                      Scheduled v. whole body: Scheduled                      Permanent Partial. North Carolina Industrial Commission has published a rating guide for doctors to refer to in assessing PPD, but it is not binding based on AMA Guidelines (or similar objective Guidelines) – No state specific guidelines.                      Discretionary award for bodily disfigurement allowed up to \$10,000. Mandatory award for facial disfigurement up to \$20,000, but amount is discretionary. May be awarded Scarring or Disfigurement. Max is up to \$20,000.00 as awarded by NC Industrial Commission.</p>
Permanent Total Benefits	<p>Min: \$30.00                      Max: \$1,254.00 in 2023                      Waiting period: 7 days                      Retro period: 21 days                      Limited or unlimited benefits: Unlimited, lifetime benefits, but only for statutorily defined losses. These include total loss of two or more body parts and includes severe burn, spinal and head injuries under specified circumstances for dates of loss after 6/24/2011 or those that qualify for extended benefits after 425 weeks as discussed above. Possibility of unlimited benefits for dates of loss prior to 6/24/11.</p>
Fatality Benefits	<p>Min: \$30.00                      Max: \$1,254.00 in 2023                      Waiting period: N/A                      Retro period: N/A                      Limited or unlimited benefits: 66-2/3% of the AWW of 500 weeks is paid to the employee’s dependents within 6 years of the accident or 2 years of the final determination of disability, whichever is later. Benefits are extended beyond 500 weeks in cases of (1) dependent widows or widowers who were physically or mentally disabled on the date of death and (2) dependent minors until the age of 18 Burial expenses of \$10,000 are also allowed (§97-38) Rule 409 sets forth procedures for death claim.</p>
Vocational Rehabilitation	<p>Is it required? No, It is not automatically ordered but on the request of claimant or carrier.                      What are the benefits? May include educational and vocational assessment, job placement or retraining.</p>
Settlement Allowed	Yes. Indemnity and Medical
Cap on benefits, exceptions	500 week cap on TTD and TPD for dates of loss after 6/24/11. Refer to above for guidelines.

**Medical issues**



**Other Issues**

mediation impasses, the hearing is typically set within one to two months of the mediation. Following the hearing, the parties are typically given sixty days to complete expert depositions and then an additional thirty days thereafter to submit proposed opinions and awards. The presiding Deputy Commissioner then has up to 180 days to issue a decision. Do Not have control.

Staff Counsel

N/A. Panel firms used.

Hearings require attorney or claim handler participation

Attorney.

State has mandatory mediation that requires claim handler participation by phone or in person.

Occupational Diseases

Yes

Second Injury Fund availability

No

Other Offset Opportunities

N/A

EDI

Claims EDI Release 3: FROI only (1/1/2013)

Medical EDI Release 2 (7/1/2014)

In-State Adjusting Required

No

License or Certification Required

Requires license. 24 hours of continuing education every two years; rating period depends on birth month and year.