



**BENEFIT RATES CHART**

	7/01/95-6/30/96	7/01/96-12/31/02	1/01/03-12/31/03	1/01/04-12/31/04	1/01/05-12/31/05	1/01/06-12/31/06	1/01/07-12/31/07	1/01/08-12/31/08	1/01/09
<b>Minimum Weekly Temporary Disability</b>	AWE if AWE < \$126 \$126 if AWE ≥ \$126	AWE if AWE < \$126 \$126 if AWE ≥ \$126	\$126	\$126	\$126*	\$126*	\$132.25*	\$137.45*	\$143.70*
<b>Maximum Weekly Temporary Disability</b>	\$448	\$490	\$602	\$728	\$840*	\$840**	\$881.66**	\$916.33**	\$958.01**
<b>Minimum Weekly VRTD/VRMA</b>	AWE if AWE < \$126 \$126 if AWE ≥ \$126	AWE if AWE < \$126 \$126 if AWE ≥ \$126	\$126	N/A	N/A	N/A	N/A	N/A	N/A
<b>Maximum Weekly VRTD/VRMA</b>	\$246 PD supplement up to \$448**	\$246 PD supplement up to \$490**	\$246 PD supplement up to \$602**	N/A	N/A	N/A	N/A	N/A	N/A
<b>Minimum Weekly Permanent Partial Disability</b>	\$70	\$70	\$100++	\$105++	\$105++	\$130++	\$130++	\$130++	\$130++
<b>Maximum Weekly Permanent Partial Disability</b>	1-14% = \$140 15-24% = \$154 25-69% = \$164 70-99% = \$198	1-14% = \$140 15-24% = \$160 25-69% = \$170 70-99% = \$230	1-69% = \$185 70-99% = \$230++	1-69% = \$200 70-99% = \$250++	1-69% = \$220 70-99% = \$270++	1-69% = \$230 70-99% = \$270++	1-69% = \$230 70-99% = \$270++	1-69% = \$230 70-99% = \$270++	1-69% = \$230 70-99% = \$270++
<b>Minimum Weekly Permanent Total Disability</b>	\$112	\$112	\$126++	\$126++	\$126++	\$126++	\$132.25++	\$137.45++	\$143.70++
<b>Maximum Weekly Permanent Total Disability</b>	\$448	\$490	\$602++	\$728++	\$840++	\$840++	\$881.66++	\$916.33++	\$958.01++

\*For injuries occurring on or after 1/01/05, payments commencing on 1/01/07 (and continuing each January 1 thereafter) shall be increased annually by an amount equal to the percentage increase in the State Average Weekly Wage per the U.S. Department of Labor. See *Labor Code* §4453(a)(10).

+For injuries occurring on or after 1/01/06, the maximum weekly temporary disability rate shall be the specified amount or two-thirds of 1.5 times the State Average Weekly Wage, whichever is greater. See *Labor Code* §4453(a)(10).

\*\*The employee may opt to supplement VRTD/VRMA with an additional amount of permanent disability indemnity due or payable equal to two-thirds of the applicant's average weekly earnings on the date of injury. See *Labor Code* §§139.5(d) and 4453.

++For injuries occurring on or after 1/01/03, an employee who becomes entitled to receive a life pension or total permanent disability indemnity shall have that payment increased annually commencing on 1/01/04 and each January 1 thereafter, by an amount equal to the percentage increase in the State Average Weekly Wage as compared to the prior year. See *Labor Code* §4659(c).

## DEATH BENEFITS

	7/01/94-6/30/96	7/01/96-12/31/03	1/01/04-12/31/05	Injury on or after 1/01/06
<b>Burial Expense</b>	\$5,000 maximum	\$5,000 maximum	\$5,000 maximum	\$5,000 maximum
<b>One Total Dependent and No Partial Dependents</b>	\$115,000.00	\$125,000.00	\$125,000.00	\$250,000.00
<b>Two or More Total Dependents</b>	\$135,000.00	\$145,000.00	\$145,000.00	\$290,000.00
<b>Three or More Total Dependents</b>	\$150,000.00	\$160,000.00	\$160,000.00	\$320,000.00
<b>One Total Plus One or More Partial Dependents</b>	\$115,000.00 plus 4x the annual amount spent to support any partial dependents not to exceed \$125,000.00	\$125,000.00 plus 4x the annual amount spent to support any partial dependents not to exceed \$145,000.00	\$125,000.00 plus 4x the annual amount spent to support any partial dependents not to exceed \$145,000.00	\$250,000.00 plus 4x the annual amount spent to support any partial dependents not to exceed \$290,000.00
<b>One or More Partial Dependents</b>	4x the annual amount spent to support the partial dependents not to exceed \$115,000.00	4x the annual amount spent to support the partial dependents not to exceed \$125,000.00	4x the annual amount spent to support the partial dependents not to exceed \$125,000.00	8x the annual amount spent to support the partial dependents not to exceed \$250,000.00
<b>No Total or Partial Dependents</b>	Department of Industrial Relations Labor Code §4706.5	Department of Industrial Relations Labor Code §4706.5	\$250,000.00 paid to estate of the decedent#	\$250,000.00 paid to estate of the decedent#

# Unconstitutional per *Six Flags, Inc. v. WCAB (Rackchamroon)* (2006) 145 Cal. App. 4<sup>th</sup> 91 [51 Cal. Rptr. 3d 377, 71 CCC 1759].

**NOTE:** Death benefits are paid in the same manner and at the same rate as temporary disability, unless otherwise ordered, with a modified minimum of \$224.00 per week. See Labor Code §4702(b) and §4703.5.

**NOTE:** For dates of injury after 1/01/90, a surviving spouse who earned \$30,000.00 or less in the twelve months immediately preceding decedent's death is conclusively presumed to be a total dependent.

**NOTE:** For dates of injury after 1/01/90, if there are one or more total dependent minors, payment continues until the youngest child reaches eighteen years of age. For dates of injury after 1/01/03, where the totally dependent minor is physically or mentally incapacitated from earning, payment continues until the death of the child.

## LIFE PENSION MAXIMUM WEEKLY EARNINGS

Date of Injury	Maximum Weekly Earnings
7/01/94 – 6/30/95	\$157.69
7/01/95 – 6/30/96	\$207.69
7/01/96 – 12/31/02	\$257.69
1/01/03 – 12/31/05	\$257.69++
On or After 1/01/06	\$515.38++

++For injuries occurring on or after 1/01/03, an employee who becomes entitled to receive a life pension or total permanent disability indemnity shall have that payment increased annually commencing on 1/01/04 and each January 1 thereafter, by an amount equal to the percentage increase in the State Average Weekly Wage as compared to the prior year. See *Labor Code* §4659(c).

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