

ADVISORY NO. 242

TOPIC: CARRIER NEW DUTY OF NOTIFICATION - 401 WEEKS

Attached is a new TWCC Advisory 98-05. This advisory requires that Carriers notify employees of the impending expiration of their benefits. For dates of injury before May 1, 1991 Carriers must send this notice one month prior to the expiration of 401 weeks. For dates of injury after May 1, 1991, this notification must be sent four months prior to the expiration of the 401-week period and then a second notice is required one month prior to the expiration.

Your universe of cases can be easily narrowed by identifying all supplemental income benefits cases that you are currently paying or that you have paid within the last twelve months. It is highly improbable that any other claim file will be subject to this notice requirement. If we are not paying SIBs, chances are there is no SIBs entitlement. Twelve continuous months of disenitment bars further supplemental income benefits entitlement. Note that our obligation to notify is limited to only those employees receiving benefits or potentially entitled to benefits.

We must accurately calculate the date on which the injured employee will no longer be entitled to income benefits. Of course, a computer program would be preferable. **If you must calculate it by hand, use the date of injury plus seven (7) years plus two hundred and fifty one (251) days.** For all dates of injury except those falling within the first 16 weeks after February 29th on a leap year, this date would be accurate. For injuries occurring within sixteen weeks after leap year day (3/1/92 - 6/22/92 and 3/1/96 - 6/22/96) use seven (7) years plus two hundred and fifty two (252) days.

The TWCC Advisory contains additional information for adjusters. You are reminded that for injuries and occupational diseases before September 1, 1995 the 401-week period ends 401 weeks from the date of injury. After September 1, 1995, occupational disease cases end 401 weeks from the date income benefits begin to accrue. The addendum includes income benefit calculations to convert monthly supplemental income benefits payments to daily payment so that you may appropriately end the payment on the 401st week.