

Concurrent Claims Example

The following example emphasizes the adjudication process WCB staff are to follow when there are two or more concurrent claims, and the most current claim is subject to Section 70(5) of the Act. To provide undemanding calculations, the example will consider 90 per cent of the net earnings to be equal to 75 per cent of the gross earnings.

- The worker is initially injured at a job that pays \$800 a week.
- The injury results in permanent restrictions and the worker is only able to return-to-work at a new job earning \$300 a week. Under Section 68(1) of the Act, earnings loss benefits are based on 90 per cent of net earnings (\$600) minus 90 per cent of the net earnings from the new job (\$225), which equals \$375 in earnings loss benefits payable to the worker.
- At the new job, the worker suffers an injury that is completely unrelated to the initial injury. Earnings loss benefits on the most current claim are paid in accordance with the worker's current wage (\$300).
- Once the worker has been in receipt of earnings loss benefits on the most current claim for 24 consecutive months, on the first day of the 25th consecutive month Case Management will ensure that the most current claim's earnings loss benefits are not less than two-thirds of the industrial composite in accordance with Section 70(5) of the Act, which in this case is \$500.
- Full compensation on the new claim would be 90 per cent of the net of \$500 or \$375. Thus the worker would receive \$375 on the initial claim and \$375 on the most current claim for a total of \$750, which would be \$150 in overcompensation.
- The correct calculation on the initial claim should be 90 per cent of the net earnings from the first claim (\$600) less 90 per cent of the net from the revised wage base on the most current claim (\$375) or \$225. Thus the total payment would be $\$375 + \$225 = \$600$, which is the equivalent to full compensation on the initial claim.