

# WYOMING WORKERS' COMPENSATION SYMPOSIUM

**Workers' Compensation Extent of Disability:  
Permanent vs. Temporary;  
Partial vs. Total Benefits**

---

# WYOMING TEMPORARY/PERMANENT BENEFITS OVERVIEW



## I. Introduction

---



1. Intent:

- a. W.S. § 27-14-101(b)
  - b. Wyoming Session Laws 1994, Ch. 86 § 4
  - c. Workers' Compensation Division  
Rules and Regulations Ch. 1, Sec. 3
-

2. Relevant Sources:
    - a. Wyoming Workers' Compensation Act ("Act") W.S. § 27-14-101 through W.S. § 27-14-805
    - b. Rules, Regulations and Fee Schedules of the Wyoming Workers' Compensation Division ("Rules and Regulations")
    - c. Wyoming Supreme Court Opinions
    - d. American Medical Association Guide to the Evaluation of Permanent Impairment, 6<sup>th</sup> Edition, 2008
    - e. Medical Disability Advisor Published by Reed Group
-

# WYOMING TEMPORARY/PERMANENT BENEFITS OVERVIEW



## II. Temporary/Benefits

---

## 1. Temporary Total Disability

### a. Definition/Eligibility

- W.S. § 27-14-102 (a)(xviii)
  - W.S. § 27-14-404(a),(f),(g),(k)
  - Rules and Regulations Ch. 1, Sec. 4
  - Rules and Regulations, Definitions Ch. 7, Sec. 1, 2
  - Rules and Regulations Ch. 5, Sec. 4
-



1. Temporary Total Disability

b. Calculations

- W.S. § 27-14-403(c)
  - Rules and Regulations Ch. 1, Sec. 4
  - Rules and Regulations Ch. 5, Sec. 4
  - Rules and Regulations Ch. 7, Sec. 1, 2
-

## 1. Temporary Total Disability

### c. Duration

- W.S. § 27-14-404(a),(b),(c),(d),(g),(h)
  - Rules and Regulations Ch. 1, Sec. 4
  - Rules and Regulations Ch. 5, Sec. 4
  - Rules and Regulations Ch. 7, Sec. 2
  - Disability Advisor
-





1. Temporary Total Disability

c. Duration


i. MMI/Ascertainable Loss

- W.S. § 27-14-404(c)(ii)
  - Rules and Regulations Ch. 1, Sec. 4
  - AMA Guidelines, Glossary
-

1. Temporary Total Disability

d. Case Law

- *Bailey v. State, ex rel. Wyoming Workers' Safety and Compensation Div.*, 2010, 243 P. 3d 953
  - *Talbot v. State, ex rel. Wyoming Workers' Safety and Compensation Div.*, 2012, 186 P. 3d 1040
-

- 
1. Temporary Total Disability
    - e. Practice Pointers
-

## 2. Temporary Partial Disability

### a. Definition/Eligibility

- W.S. § 27-14-403(j)
  - Rules and Regulations Ch. 5, Sec. 4
  - Rules and Regulations Ch. 7, Sec. 1
-



2. Temporary Partial Disability

b. Calculations

- Rules and Regulations Ch. 7, Sec. 1





2. Temporary Partial Disability

c. Duration

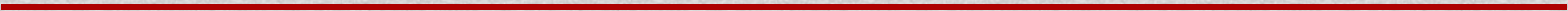
- W.S. § 27-14-403(j)





2. Temporary Partial Disability

d. Practice Pointers



# WYOMING TEMPORARY/PERMANENT BENEFITS OVERVIEW



## III. Permanent/Benefits

---





1. Permanent Partial Impairment

a. Definition/Eligibility

- W.S. § 27-14-405(g)
  - Rules and Regulations Ch. 1, Sec. 4
  - Rules and Regulations Ch. 5, Sec. 4
  - AMA Guidelines Ch. 2, Glossary
-

# 1. Permanent Partial Impairment

## b. Calculations

- W.S. § 27-14-405(g)
  - W.S. § 27-14-403(c)
  - Rules and Regulations Ch. 5, Sec. 4
  - Rules and Regulations Ch. 7, Sec. 1
-

## 1. Permanent Partial Impairment

### c. Case Law

- *Green v. State, ex rel. Dept. of Workforce Services, Workers' Safety and Compensation Division*, 2013, 304 P. 3d 941
  - *State ex rel. Wyoming Workers' Compensation Div. v. Faulkner*, 2007, 152 P. 3d 394
  - *Anderson v. State, ex rel. Wyoming Workers' Safety and Compensation Div.*, 2010, 245 P. 3d 263
-



1. Permanent Partial Impairment

- d. Practice Pointers



## 2. Permanent Partial Disability

### a. Definition/Eligibility

- W.S. § 27-14-102(a)(vi)
  - W.S. § 27-14-405(h)
  - Rules and Regulations Ch. 1, Sec. 4
  - Rules and Regulations Ch. 5, Sec. 4
  - Rules and Regulations Ch. 7, Sec. 1
-



2. Permanent Partial Disability

b. Calculations

- W.S. § 27-14-405(j)
  - Rules and Regulations Ch. 7, Sec. 1
-

## 2. Permanent Partial Disability

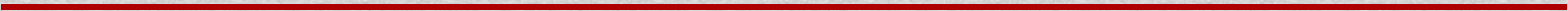
### c. Case Law

- *Bonsell v. State, ex. rel. Wyoming Workers' Safety and Compensation Div.*, 2006, 142 P. 3d 686
  - *Claim of Stallman v. State, ex rel. Wyoming Workers' Safety and Compensation Div.*, 2012, 288 P. 3d 707
  - *In Re Worker's Comp. Claim of Johnson*, 2001 WY 48, 23 P. 3d 32 (Wyo. 2001)
-



2. Permanent Partial Disability

d. Practice Pointers





### 3. Permanent Total Disability/Odd Lot Doctrine

#### a. Definition/Eligibility

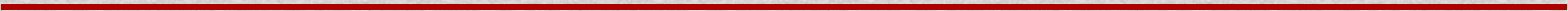
- W.S. § 27-14-102(a)(xvi)
  - W.S. § 27-14-406
  - Stallman v. State, ex rel. Wyoming Workers' Compensation Div., 2013, 289 P. 3d 82
-



3. Permanent Total Disability/Odd Lot Doctrine

b. Calculations

- W.S. § 27-14-403(c)



### 3. Permanent Total Disability/Odd Lot Doctrine

#### c. Duration

##### i. Initial Award 80 Months

- W.S. § 27-14-406

##### ii. Dependents/Surviving Spouse

##### iii. Extended Benefits

- W.S. § 27-14-403(g)

##### iv. Inflation Adjustment

---

### 3. Permanent Total Disability/Odd Lot Doctrine

#### d. Case Law

- *Stallman v. State ex rel. Wyo. Workers' Safety & Comp. Div.*, 2013 WY 28, 297 P. 3d 82
-

- 
3. Permanent Total Disability/Odd Lot Doctrine
    - e. Practice Pointers
-




4. Death

a. Calculations

- W.S. 27-14-403





4. Death

b. Duration

i. Dependents

ii. Extended

---