

If you are injured in a workplace accident and unable to work, you may be eligible for total disability benefits under the Workers Compensation Act. If you are able to work after an accident but at a lower paying job or with reduced hours or responsibilities, then you may be entitled to partial disability payments. Your eligibility for either total or partial disability payments can change over time.

Total and partial disability payments may be made by your employer or its insurer. After two years of making total disability payments, an employer or insurer is entitled to request an Impairment Rating Evaluation (IRE). The purpose of the IRE is to determine your percentage of impairment, which may examine whether you are determined to be totally disabled or are considered to be partially disabled.

## Procedure for evaluation

Pennsylvania law sets forth a specific procedure for all evaluations:

- A request for an IRE may be made by an employer or insurer after 104 weeks of total disability compensation payments have been made
- The IRE must be performed by properly certified physicians licensed in Pennsylvania and practicing at least 20 hours per week
- The physician's report must be provided to the employee, the insurer, and their attorney if they have one, within 30 days of the IRE

If the IRE finds that you continue to suffer from 50% or more impairment, you retain your total disability status and your Worker's compensation payments will not be affected.

## Impairment rating evaluations can be rebutted

If you are the recipient of worker's compensation benefits and you have been asked to comply with an IRE, contact the workers compensation attorneys at Rosenn Jenkins & Greenwald LLP to protect your rights.