

Address all inquiries to:

Department of Labor and Industrial Relations  
Disability Compensation Division

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Auxiliary aids and services are available upon request. Please call the above listed telephone numbers, (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for a reasonable accommodation(s) should be made no later than ten working days prior to the needed accommodation(s).

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## HIGHLIGHTS OF THE HAWAII WORKERS' COMPENSATION LAW



STATE OF HAWAII  
Department of Labor and Industrial Relations  
**DISABILITY COMPENSATION DIVISION**

## HIGHLIGHTS OF THE HAWAII WORKERS' COMPENSATION LAW

### *INTRODUCTION*

Your safety and well being on the job are important to the employer. However, accidents and illnesses can arise from work and when they do, you are covered under the workers' compensation law. This brochure has been prepared to help explain your benefits and responsibilities under the workers' compensation law.

### *PURPOSE*

The purpose of the workers' compensation law is to provide an employee who suffers an industrial injury or illness with medical care, wage loss replacement, and permanent disability benefits. It also provides death benefits for dependents.

### *WHO CAN RECEIVE WORKERS' COMPENSATION BENEFITS?*

Most full-time and part-time employees who suffer from any injury or disease, which results from work or working conditions, are covered. Under the law, certain kinds of employees are not covered.

### *WHAT SHOULD I DO IF I AM INJURED?*

1. Immediately report the injury to your immediate supervisor or employer. You can do this orally or in writing.
2. Obtain appropriate treatment for the injury.

### *DO I HAVE TO FILE ANY PAPERS TO MAKE A CLAIM?*

If your employer fails to file an "Employer's Report of Industrial Injury/Illness" (WC-1) with their workers' compensation insurance carrier, you should contact your nearest Disability Compensation Division office and file an "Employee's Claim for Workers' Compensation Benefits" (WC-5).

### *WHAT DO I TELL MY PHYSICIAN IF I AM INJURED?*

If you are injured as a result of your work, you should tell the person treating you that this is an industrial injury. Ask the physician to send the medical reports and bills to your employer's insurance carrier. The physician should call the employer for the name of the insurance carrier.

**FROM WHOM CAN I OBTAIN TREATMENT?**

You may obtain treatment from a physician of your choice. However, you may be under the care of only one attending physician. Your attending physician may refer you to other specialist(s) with the approval of the employer's insurance carrier.

You may change your attending physician once, but you must notify the insurance carrier before making the change. Any other changes in physician require approval from the insurance carrier before the change.

**IF I AM INJURED, WHAT MEDICAL BENEFITS WILL WORKERS' COMPENSATION PAY FOR?**

If your claim is accepted, workers' compensation should pay for the following:

1. Treatments for the injury.
2. Hospital charges.
3. Prescription drugs ordered by your doctor.
4. X-rays as prescribed.
5. Physical therapy as ordered by your doctor.
6. Reasonable transportation expense incidental to treatment. (Keep track of your expenses and mileage.)

**WHAT TYPES OF DISABILITY BENEFITS AM I ELIGIBLE FOR?**

You are eligible for the following types of disability benefits:

**1. TEMPORARY TOTAL DISABILITY (TTD)**

If you are unable to work because of an industrial injury, you may receive temporary wage replacement benefits after a three-day waiting period. You may receive 2/3 of your weekly wages up to a specified maximum. (For example, the maximum for 2004 is \$596.) TTD is paid for periods a physician certifies you are unable to work.

If your workers' compensation claim is disputed and you are not paid benefits, you may file a temporary disability insurance (TDI) claim with your employer's TDI carrier. If eligible, you will be paid benefits at rates allowed by the TDI law. The TDI carrier may recover the amount they paid from your workers' compensation benefits.

If you have two or more jobs you may be eligible for concurrent benefits. You must notify the nearest Disability Compensation Division office.

**2. PERMANENT PARTIAL DISABILITY (PPD)**

After you reach the point of stability or maximum medical recovery, you may be sent to a physician to be evaluated on the extent of your permanent impairment. The evaluation will be used to determine the amount of your PPD award.

**3. PERMANENT TOTAL DISABILITY (PTD)**

If you are unable to do any kind of work, you may be eligible for PTD benefits. Whether you are eligible for PTD benefits is determined at a hearing held by the Department of Labor and Industrial Relations.

**4. DISFIGUREMENT**

If an injury results in a permanent disfigurement, you may be entitled to additional compensation. Disfigurement includes scars, deformity, and discoloration. Laceration scars and surgical scars are reviewed six months from date of occurrence, however, burn scars are evaluated after one year.

**5. DEATH BENEFITS**

Where an industrial injury results in death, the surviving spouse and dependent minor children (including full-time students up to 21 years of age) are entitled to weekly benefits as provided in the workers' compensation law. Funeral expenses up to 10 times the maximum weekly benefit rate and burial expenses up to 5 times the maximum weekly benefit rate are also allowed.

**6. VOCATIONAL REHABILITATION**

When an industrial injury has or may have caused permanent disability and prevents you from returning to your usual job, you may self-refer for vocational rehabilitation services to assist you in returning to suitable work.

**WHAT IS THE PROCESS?**

If there are any issues which cannot be resolved by agreement, you may request for a hearing. A hearing will be held, and a decision will be rendered. If you or the employer/insurance carrier disagrees with the decision, the decision may be appealed by filing a notice of appeal with the department within 20 calendar days from the date stamped on the decision.