SCHEDULED INJURED PPD EXAMPLE:

Date of Accident  
Upper Extremity  
Percent of Disability  
Average Weekly Wage  
Compensation Rate  
Total Weeks Owed (225 wks x 0.10)  
Total PPD Owed

Disability, Body as a Whole  
Shoulder/Arm*  
Hand  
Leg**  
Foot  
Eye  
Loss of Hearing in One Ear  
Ear  
Nose  
Thumb  
First Phalange of Thumb  
Half of First Phalange of Thumb  
First Finger (Index)  
First Phalange of First Finger  
Half of First Phalange of First Finger  
Second Finger (Middle)  
First Phalange of Second Finger  
Half of First Phalange of Second Finger  
Third Finger (Ring)  
First Phalange of Third Finger  
Half of First Phalange of Third Finger  
Fourth Finger (Little)  
First Phalange of Fourth Finger  
Half of First Phalange of Fourth Finger  
Great Toe  
First Phalange of Great Toe  
Any Other Toe  
First Phalange of Any Other Toe

Body as a Whole PPD Example:

Body as a Whole  
Loss of Earning Capacity  
Average Weekly Wage  
Compensation Rate  
Total Weeks Indemnity Paid  
Calculation  
Total PPD Owed

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COMPENSABILITY

ACCIDENT OR INJURY
An injury is defined as one which has arisen out of and in the course of his or her employment. An injury is only compensable when the injury arises from an accident or occupational disease.
The accident requirement is satisfied if the cause of the injury was of accidental character or the effect was unexpected or unforeseen, and happened suddenly and violently.
An injury is deemed to “arise out of” the employment when the injury resulted from the risks arising within the scope of the employee’s job. The term “in the course of” employment refers to the time, place, and circumstances surrounding the accident.

CALCULATING BENEFITS
The basis for most benefits in the Nebraska Workers’ Compensation system is the compensation rate. The compensation rate is a function of the employee’s Average Weekly Wage (“AWW”), pursuant to Neb. Rev. Stat. §48-121. The AWW is calculated based on the twenty-six (26) weeks of wages prior to the date of injury. All of the employee’s wages earned during the twenty-six (26) week period are totaled and then divided by twenty-six (26) to determine the employee’s AWW.
As a general rule, the compensation rate is two-thirds (2/3) of the employee’s AWW as of the date of injury up to the statutory maximum amount, which is adjusted each year.

TYPES OF BENEFITS
TEMPORARY TOTAL DISABILITY
Temporary Total Disability (“TTD”) benefits are those paid to an employee if the employee is unable to work while they are recovering from an injury, or if the employer is unable to accommodate work restrictions assigned by the treating physician. The benefits are payable until the employee returns to work or reaches Maximum Medical Improvement (“MMI”).

IMPORTANT CONSIDERATIONS
• An employee is entitled to benefits while undergoing physical or medical rehabilitation, or vocational rehabilitation.

PERMANENT TOTAL DISABILITY
Under the Nebraska Workers’ Compensation Law, the term “total disability” means that a worker cannot earn wages in the same or similar work that he or she was trained for, or earn wages for any other kind of work which a person or their mentality and attainments could do.

IMPORTANT CONSIDERATIONS
• Permanent Total Disability (“PTD”) is owed to the employee for life, paid on a weekly basis.
• A lump-sum settlement is allowed based on the present value of the PTD award.
• Lump sum settlements for PTD awards need to be filed with and approved by the Court.

PERMANENT PARTIAL DISABILITY
Permanent Partial Disability (“PPD”) is a disability that is permanent in nature and partial in degree. This disability must be demonstrated and certified by a physician, and based upon a reasonable degree of medical certainty.

Permanent Partial Disability (“PPD”) is calculated in Nebraska using a three-variable equation:

\[ \text{Total Award of Permanent Partial Disability Benefits} = \text{Compensation Rate} \times \text{Number of Weeks for Body Part Affected} \times \text{Percentage of Disability} \]

DEATH BENEFITS
ELIGIBILITY FOR DEATH BENEFITS
After the death of an employee who suffered a work-related injury, the employee’s widow(er) and/or dependent children may become entitled to benefits.

THE EXTENT OF DEATH BENEFITS
In typical situations, the surviving spouse is entitled to benefits for his or her lifetime, or until he or she remarries, at which time he or she will receive two (2) years of benefits in a final lump sum payment.
Minor children are entitled to a percentage of death benefits until they reach nineteen (19) years of age, or twenty-five (25) years of age if enrolled full-time in an educational capacity, or if the child is physically or mentally incapable of self-support.
The employer is responsible to pay up to $10,000.00 in reasonable burial expenses.

IMPORTANT CONSIDERATIONS
• Death benefits should be paid weekly to the surviving spouse and/or dependents.
• Lump sum settlements are allowed if filed with and approved by the Nebraska Workers’ Compensation Court.