Temporary Income Benefits (TIBs)

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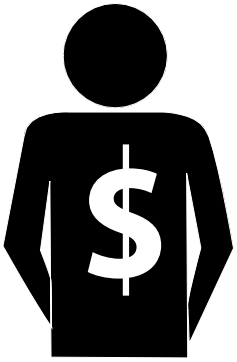
Information for Injured Employees from the Division of Workers' Compensation

Income benefits replace a portion of wages you lose because of a work-related injury or illness. There are four types of income benefits:

- temporary income benefits (TIBs);
- impairment income benefits (IIBs);
- supplemental income benefits (SIBs); and
- lifetime income benefits (LIBs).



Income benefits may not exceed the maximum weekly amount set by state law. Temporary income benefits, impairment income benefits, and lifetime income benefits are also subject to a minimum amount set by state law. The maximum and minimum benefit amounts are based on the state average weekly wage. A copy of the maximum and minimum benefits for each benefit type can be found on the Texas Department of Insurance website at http://www.tdi.texas.gov/wc/employee/maxminbens.html.

You must report any income (other than workers' compensation benefits you may be receiving) to the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) and the insurance carrier so an adjustment can be made to your income benefit payments. You may be fined and/or charged with fraud if you receive temporary income benefits or supplemental income benefits while also receiving wages from an employer without informing the TDI-DWC and the insurance carrier.

Income benefits are not payable following the death of an injured employee. In the case of an injured employee's death, the injured employee's beneficiaries may be eligible to file a claim for and receive death benefits if the injured employee's death was due to the work-related injury or illness.

Temporary Income Benefits (TIBs)

[Texas Labor Code §§408.101 – 408.105, 28 Texas Administrative Code §§129.1 – 129.11]

You may be paid TIBs if your work-related injury or illness causes you to lose all or some of your wages for more than seven (7) days. If you work more than one job, you may be paid TIBs if you lose all or some of your wages from other employers. (See "Average Weekly Wage Calculations" fact sheet under Multiple Employment).

Amount of Temporary Income Benefits

TIBs equal 70 percent of the difference between your average weekly wage and the wages you are able to earn after your work-related injury. If you earned less than $8.50 per hour before you were injured, your temporary income benefits for the first 26 weeks of payments will equal 75 percent of the difference between your average weekly wage and the wages you are able to earn after your work-related injury.

The amount of TIBs is subject to maximum and minimum benefit amounts. For example, if your average weekly wage was $500, and your injury or illness caused you to lose all of your income, your TIBs would be $350 a week:

Your average weekly wage	$500
Minus your wages after the injury	- 0
Lost wages	$500
70 percent of $500 (.70 x $500) equals	$350

After an injury, your doctor may release you to return to work at modified duty; i.e., changes made to your regular job, or a temporary or alternate work assignment. You may still be entitled to TIBs if your employer provides the modified duty at reduced wages.

For further assistance,
call 1-800-252-7031 or visit
http://www.tdi.texas.gov/wc/employee/index.html

This publication is a summary and is presented for informational purposes only. It is not a substitute for the statute and TDI-DWC rules. For questions about TDI-DWC rules, please call Customer Assistance at 1-800-252-7031. CS05-006E(10-13)

For example, if your average weekly wage prior to the work-related injury was $500, and you returned to work doing a modified job after the work-related injury and you are now earning $200 per week working only 4 hours per day, your temporary income benefits would still be $210 a week.

Your average weekly wage	$500
Minus your wages after the injury	- 200
Lost wages	$300
70 percent of $300 (.70 x $300) equals	$210

By returning to work, you are able to receive a total of $410 per week. This includes the wages you are able to earn ($200) plus the TIBs ($210) paid to you by the insurance carrier for lost wages.

When TIBs Begin and End

You become eligible for TIBs after you miss more than seven (7) days from work. Remember, disability refers to your inability to earn an income, not to a physical handicap. You have disability if your work-related injury or illness causes you to lose all or some of your usual pay. Benefits are not paid for the first week of lost wages unless disability lasts for two (2) weeks (14 days) or more.

TIBs end at the earlier of:

- the date you reach maximum medical improvement (the point that your work-related injury or illness has improved as much as it is going to improve);
- the date you are again physically able to earn your average weekly wage which would be the same wages you were earning prior to being injured on-the-job; or
- at the end of 104 weeks.

Definitions

Average Weekly Wage (AWW) typically is the average amount of weekly wages you earned during the 13 weeks immediately before your work-related injury or illness occurred. Income and death benefit payments are based on your average weekly wage.

Disability occurs when a work-related injury or illness causes you to lose the ability to earn your normal weekly wages. Disability refers to your ability to earn an income, not to a physical handicap.

Maximum Medical Improvement (MMI) is the earlier of:

- the point in time when your work-related injury or illness has improved as much as it is going to improve; or
- 104 weeks from the date you became eligible to receive income benefits or any approved extension based upon approval for spinal surgery.

If you have had spinal surgery or have been approved for spinal surgery within 12 weeks of the expiration of the statutory MMI period, you may request an extension of MMI from the TDI-DWC in accordance with the 28 Texas Administrative Code §126.11.

Maximum Weekly Income Benefit may not exceed 100 percent of the state average weekly wage rounded to the nearest whole dollar. The TDI-DWC will compute the maximum weekly income benefit for October 1 through September 30 of each year no later than October 1st of each year.

Minimum Weekly Income Benefit is 15 percent of the state average weekly wage rounded to the nearest whole dollar. The TDI-DWC will compute the minimum weekly income benefit for October 1 through September 30 of each year no later than October 1st of each year.

For more information on Workers' Compensation Benefits see the following fact sheets:

- Workers' Compensation Benefits
- Dispute Resolution
- Average Weekly Wage Calculation