

Supplemental Income Benefits (SIBs) ^{BEN}

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. The maximum and minimum benefit amounts are based on the state average weekly wage.

Income benefits are no longer payable following the death of an injured employee. 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.

Supplemental Income Benefits (SIBs)

[Texas Labor Code §408.141 – 408.151,

28 Texas Administrative Code §130.100 – 130.109]

Supplemental Income Benefits (SIBs) are income benefits paid monthly by the insurance carrier after your IIBs have ended. You may apply for SIBs quarterly (4 times per year, or every 3 months) if you meet the requirements. The period of time you are receiving SIBs is called the "SIBs quarter."

You may be eligible to receive SIBs if you meet the following entitlement requirements:

- you have an impairment rating of 15 percent or more;
- you have not elected to have any of your impairment income benefits paid in a lump sum;
- you have not returned to work, or you have returned to work, but are earning less than 80 percent of your average weekly wage, as a direct result of your work-related injury; and

- you have demonstrated an active effort to comply with Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) work search requirements.

When Supplemental Income Benefits Begin and End

If you are eligible, SIBs will begin the day after your IIBs end. Unlike TIBs, IIBs and LIBs, you must apply for SIBs to be considered for entitlement. The TDI-DWC may send you notice if your impairment rating is 15 percent or greater and inform you of what information is necessary to support your application (DWC Form-052, *Application for Supplemental Income Benefits*) for the 1st quarter of SIBs. This 13-week period is called the "qualifying period," during which you must look for work or meet one of the other TDI-DWC work-search requirements.

Your entitlement to receive SIBs ends at 401 weeks (approximately 7 ½ years) from the date of your injury. If you have an occupational illness, entitlement for SIBs ends at 401 weeks from the date you first became eligible to receive income benefits. If you are not entitled to SIBs for four consecutive quarters (one year), you may permanently lose entitlement to those benefits.

Determining Entitlement

The TDI-DWC will make a determination of entitlement for the 1st quarter based on the information on your application. The TDI-DWC will review your work search efforts during the qualifying period, any possible job offers, current medical documentation provided by your doctor supporting why you are unable to work (if applicable), and whether your inability to earn your pre-injury wage is a direct result of your impairment.

The insurance carrier will provide you with an application for future quarters of SIBs. After you apply for the 1st quarter through TDI-DWC, you must send your application and documentation for all subsequent quarters directly to the insurance carrier for consideration. If the insurance carrier finds that you are eligible, you will receive benefits for the quarter. If you disagree with a decision that you are not entitled to SIBs or if you disagree with the amount of the payment, contact your local TDI-DWC field office.

**For further assistance,
call 1-800-252-7031 or visit**

<http://www.tdi.texas.gov/wc/employee/index.html>

Work Search Requirements

To qualify for SIBs, you must show an active effort to comply with the TDI-DWC work search requirements. You must maintain and provide supporting documentation (applications, letters and notes) to clearly demonstrate your active efforts to meet one or any combination of the following TDI-DWC work search requirements **each week** during your entire qualifying period:

- you have returned to work in a position that is equal to your ability to work; or
- you have actively participated in a vocational rehabilitation program [such as those offered by the Texas Workforce Commission-Rehabilitation Division or a private vocational rehabilitation program]; or
- you have been unable to perform any type of work in any capacity as documented by a doctor; or
- you have actively participated in work search efforts through the Texas Workforce Commission (TWC) appropriate for the injured employee's county, or by other documented job searches. SIBs applicants are now required to perform at least the minimum number of weekly work searches required for their county of residence.

Information about the SIBs application process, including the number of mandatory weekly work search requirements by county, is available on the TDI website at <http://www.tdi.texas.gov/wc/employee/suppbent.html>.

If you do not meet at least one of the work search requirements described above **each week** during the entire qualifying period, you will not be entitled to SIBs, unless you can show that you had reasonable grounds for failing to comply with the TDI-DWC work search requirements. Please note that when you are looking for work, you may combine work search efforts done on your own with those done through TWC during each week of the qualifying period.

Amount of Supplemental Income Benefits

Supplemental Income Benefits equal 80 percent of the difference between 80 percent of your average weekly wage (earned prior to your work-related injury or illness) and your weekly wages (if you have any earnings or offered wages during this 13-week period) after the work-related injury or illness.

For example, if your average weekly wage was \$500 before you were injured, and your injury caused you to lose all of your income, your SIBs rate would be \$320 a week:

Your average weekly wage	\$500
80 percent of \$500 (.80 x \$500)	\$400
Minus wages earned or offered	<u>-0</u>
Equals	\$400
80 percent of \$400 (.80 x \$400) equals	\$320

To determine the amount of your monthly SIBs, multiply the weekly benefit amount by the average number of weeks in a month (4.34821). In this example, your monthly supplemental income benefit would be \$1,391.43: \$320 x 4.34821 equals \$1,391.43.

If you earn any wages during the qualifying period, the wages are deducted when calculating your SIB rate.

Example:

Your average weekly wage	\$500
80 percent of \$500 (.80 x \$500)	\$400
Minus your wages earned or offered	<u>- \$200</u>
Equals	\$200
80 percent of \$200 (.80 x \$200) equals	\$160
\$160 x 4.34821 equals \$695.71 (monthly SIB rate)	

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.

Impairment Rating is the percentage of permanent physical and functional damage to your body that resulted from a work-related injury or illness.

Maximum Benefit Amount 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 each state fiscal year no later than October 1st of each year.

Minimum Benefit Amount 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 each state fiscal year no later than October 1st of each year.