



Changes in Law Bring Challenges to Disabled Workers, Michigan Workers' Compensation Lawyer Says

An attorney can help workers to obtain funds for job-related disabilities despite recently enacted changes in the law that tighten eligibility and compensation standards, says Thomas L. Stroble of The Stroble Law Firm, P.C., in Oakland County.

Bloomfield Hills, MI ([PRWEB](#)) January 12, 2012 -- Workers throughout Michigan need to understand how recent changes to the state's workers' compensation system could impact them if they become injured or ill on the job, says [Michigan workers' compensation lawyer](#) Thomas L. Stroble.

"These changes may affect workers' eligibility for compensation and the amount of compensation they actually receive after getting hurt or sick on the job," said Stroble.

His [Bloomfield Hills personal injury law firm](#), The Stroble Law Firm, P.C., represents injured and ill workers throughout Oakland County and surrounding areas in cases involving [workers' compensation](#) and [third-party negligence claims](#).

"These changes certainly will bring about new challenges," he said. "That's why it's more important than ever to work with an experienced Michigan workers' compensation lawyer if you suffer a job-related disability."

On December 19, Gov. Rick Snyder signed [House Bill 5002](#) (Public Act 266) into law, which changed the definition of "partial disability" in a significant way, Stroble said. Critics have called the change the "phantom wages" rule.

A partial disability entitling one to workers' compensation benefits is now defined as a condition that exists when a worker suffers a work-related personal injury or disease but still retains a "wage earning capacity" at a pay level that is less than the maximum the worker could earn at a job suitable to the worker's qualifications and training.

"Wage earning capacity" is now defined as wages an employee earns or could earn at a job reasonably available to that employee – "whether or not actually earned."

If the worker can show that he or she has made a "good-faith effort" to get a job within the worker's wage earning capacity and were unable to do so, then the worker is entitled to receive weekly wage loss benefits as if the worker suffered from a total disability.

However, if the worker cannot show that a good-faith effort was made, the worker's compensation is limited to 80 percent of the difference between the worker's weekly wage before the injury or illness and the worker's "wage earning capacity" after the injury or illness.

"Before, the employee would have received 80 percent of the amount that would come out after subtracting their post-injury wages from their pre-injury wages," Stroble said. "Now, you're dealing with a new number – the wage earning capacity."

"The challenges will be to demonstrate what the employee's true wage earning capacity is after an injury or



illness, and to show that, in fact, a good-faith effort has been made to obtain employment that would pay the worker within that wage earning capacity.”

Stroble pointed out that the “wage earning capacity” rule does not apply to qualified firefighters and police officers.

According to Stroble, other key changes to the Michigan workers’ compensation are:

- Employees’ weekly benefits can now be reduced according to pension or retirement payments that they are entitled to receive, even if they have not yet retired and received those benefits;
- Employees must now wait 28 days until being allowed to pick their own doctors, as compared to 10 days under the old law;
- Degenerative arthritis is a compensable condition only if the worker shows that the job contributed to, aggravated or accelerated the condition in a “significant” manner; and
- A worker claiming a mental disability must show that the condition arose from an actual, work-related event, and that the worker’s perception of the event is “reasonably grounded in fact or reality.”

“There is no doubt that serious challenges lie ahead for injured and ill workers in Michigan,” Stroble said. “However, you can rely on a qualified workers’ compensation lawyer to be by your side and fight hard to secure the benefits you need and deserve.”

About The Stroble Law Firm, P.C.

[The Stroble Law Firm, P.C.](#), is a full-service law firm based in Bloomfield Hills, MI, which represents workers’ compensation claimants throughout the state of Michigan, including Macomb County, Oakland County, Warren, Clinton Township, Sterling Heights, St. Clair Shores, Mount Clemens, Utica, Roseville, Troy, Farmington Hills, Waterford, Southfield, Pontiac, Birmingham, Rochester Hills, West Bloomfield and Bloomfield Hills. The firm’s personal injury practice areas also include car accidents, truck accidents, motorcycle accidents, medical malpractice, birth injuries, slips and falls, dog bites and wrongful death cases. To learn more about The Stroble Law Firm, P.C., call (248) 454-0800 or (888) 454-0801 or use the firm’s [online contact form](#).

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