

REVIEW COMMITTEE DECISION

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Review Committee File No. 19-72-78
Humboldt Division Grievance No. D.Gr/C 19-72-4

Statement of Fact

This grievance concerns supplemental benefits received by the grievant for an industrial injury. The grievant began receiving temporary disability payments as a result of an industrial injury on November 22, 1971. These temporary compensation payments and supplemental benefits, pursuant to the provisions of Section 108.1 of the Physical Agreement, were paid to the employee until June 5, 1972.

On that latter date he was removed from the temporary disability compensation payroll inasmuch as his injury was permanent and rateable and supplemental benefits were discontinued.

Thereafter, he continued to receive \$52.50 per week as advances against permanent disability pending a decision by the Workmen's Compensation Appeals Board.

The grievant returned to work July 3, 1972.

Discussion

The issue in this case surrounds the time period from June 5 to July 3, 1972. Specifically, the question is whether or not during that period of time the employee was entitled to supplemental benefits pursuant to the provisions of Title 108 of the Agreement.

Section 108.1 provides for a wage makeup when an employee is absent by reasons of an injury arising out of and in the course of his employment with Company which comes within the application of the Workmen's Compensation Insurance Chapter of the State Labor Code. To pinpoint the issue here, the Labor Agreement goes on to provide:

"He shall be eligible for supplemental benefits for the duration of temporary disability." (Emphasis added)

The grievant received the proper supplemental benefits during the period of temporary disability within the meaning of that section between November 22, 1971 and June 5, 1972. To answer the question here then, the temporary disability terminates when it is medically determined that the employee has reached the stage where his injury is "stationary and rateable" and, if such conclusion is affirmed, the employee is no longer entitled to receive supplemental benefits.

The Workmen's Compensation Appeals Board later affirmed the Company's conclusion that the grievant's condition was stable and rateable when it made its finding and award of a permanent disability of 31% payable at the rate of \$52.50 a week for 124 weeks.

Decision

From the facts and discussion set forth above, the discontinuance of the supplemental benefits was proper under the explicit provisions of Section 108.1 of the Labor Agreement.

FOR UNION:

W. H. Burr
E. R. Sheldon
L. N. Foss

By

Date

L. N. Foss

Nov 27, 1974

FOR COMPANY:

J. A. Fairchild
P. Matthew
L. V. Brown

By

Date

L. V. Brown

Nov. 27, 1974