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BENEFIT RATES CHART

| | 1/1/03- 12/31/03 | 1/1/04- 12/31/04 | 1/1/05- 12/31/05 | 1/1/06- 12/31/06 | 1/1/07- 12/31/07 | 1/10/08- 12/31/08 | 1/1/09- 12/31/09 | 1/1/10- 12/31/11 | 1/1/12 |
|---|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Min. Weekly Temporary Disability | \$126 | \$126 | \$126* | \$126* | \$132.25* | \$137.45* | \$143.70* | \$148.00* | \$151.57* |
| Maximum Weekly Temporary Disability | \$602 | \$728 | \$840* | \$840*+ | \$881.66*+ | \$916.33*+ | \$958.01*+ | \$986.69*+ | \$1010.50*+ |
| Min. Weekly VRTD/VRMA | \$126 | N/A |
| Max. Weekly VRTD/VRMA | \$246 PD supplement up to \$602** | N/A |
| Min. Weekly Permanent Partial Disability | \$100++ | \$105++ | \$105++ | \$130++ | \$130++ | \$130++ | \$130++ | \$130++ | \$130++ |
| Max. Weekly Permanent Partial Disability | 1-69% = \$185 70-99% = \$230++ | 1-69% = \$200 70-99% = \$250++ | 1-69% = \$220 70-99% = \$270++ | 1-69% = \$230 70-99% = \$270++ |
| Min. Weekly Permanent Total Disability | \$126++ | \$126++ | \$126++ | \$126++ | \$132.25++ | \$137.45++ | \$143.70++ | \$148.00++ | \$148.00++ |
| Max. Weekly Permanent Total Disability | \$602++ | \$728++ | \$840++ | \$840++ | \$881.66++ | \$916.33++ | \$958.01++ | \$986.69++ | \$986.69++ |

*For injuries occurring on or after 1/1/05, payments commencing 1/1/07 (and continuing each January 1 thereafter) shall be increased annually by an amount equal to the percentage increase in the State Average Weekly Wage per the U.S. Department of Labor. Labor Code §4453(a)(10).

+For injuries occurring on or after 1/1/06, the maximum weekly temporary disability rate shall be the specified amount or two-thirds of 1.5 times the State Average Weekly Wage, whichever is greater. Labor Code §4453(a)(10).

**The employee may opt to supplement VRTD/VRMA with an additional amount of permanent disability indemnity due or payable equal to two-thirds of the applicant's average weekly earnings on the date of injury. Labor Code §139.5(d) and Labor Code §4453.

++For injuries occurring on or after 1/1/03, an employee who becomes entitled to receive a life pension or total permanent disability indemnity shall have that payment increased annually commencing 1/1/04 and each January 1 thereafter, by an amount equal to the percentage increase in the State Average Weekly Wage as compared to the prior year. Labor Code §4659(c).

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DEATH BENEFITS

| | 7/1/94 (on or after) | 7/1/96 (on or after) | 1/1/04 (on or after) | 1/1/06 (on or after) |
|--|---|---|---|---|
| One Total Dependent and No Partial Dependents | \$115,000.00 | \$125,000.00 | \$125,000.00 | \$250,000.00 |
| Two or More Total Dependents | \$135,000.00 | \$145,000.00 | \$145,000.00 | \$290,000.00 |
| Three or More Total Dependents | \$150,000.00 | \$160,000.00 | \$160,000.00 | \$320,000.00 |
| One Total Plus One Or More Partial Dependents | \$115,000 + 4x annual support but no more than \$125,000.00 | \$125,000 + 4x annual support but no more than \$145,000.00 | \$125,000 + 4x annual support but no more than \$145,000.00 | \$250,000 + 4x annual support but no more than \$290,000.00 |
| One or More Partial Dependents | 4x annual support but no more than \$115,000.00 | 4x annual support but no more than \$125,000.00 | 4x annual support but no more than \$125,000.00 | 8x annual support but no more than \$250,000.00 |
| No Total or Partial Dependents | Department of Industrial Relations Labor Code §4706.5 | Department of Industrial Relations Labor Code §4706.5 | \$250,000.00 paid to estate of the decedent# | \$250,000.00 paid to estate of the decedent# |

1. Death benefits Labor Code §4702(a). Death benefits are determined at the date of injury not the date of death.
2. Maximum burial expense \$5,000. Labor Code §4701
3. Death benefits are paid in the same manner and the same rate as temporary disability, unless otherwise ordered, with a modified minimum of \$224.00 per week. Labor Code §4702(b) and §4703.5
4. For dates of injury after 1/01/90, a surviving spouse who earned \$30,000.00 or less in the twelve months immediately preceding decedent's death is conclusively presumed to be a total dependent.
5. For dates of injury after 1/01/90, if there are one or more total dependent minors, payment continues until the youngest child reaches eighteen years of age. For dates of injury after 1/1/03, where the totally dependent minor is physically or mentally incapacitated from earning, payment continues until the death of the child.

#Unconstitutional per *Six Flags, Inc. v. WCAB (Rackchamroon)* (2006) 145 Cal. App. 4th 91 [51 Cal Rptr. 3d 377, 71 CCC 1759].

LIFE PENSION MAXIMUM WEEKLY EARNINGS

| Date of Injury | Maximum Weekly Earnings |
|-----------------------|--------------------------------|
| 7/1/94 – 6/30/95 | \$157.69 |
| 7/1/95 – 6/30/96 | \$207.69 |
| 7/1/96 – 12/31/02 | \$257.69 |
| 1/1/03 – 12/31/05 | \$257.69++ |
| On or After 1/1/06 | \$515.38++ |

++ "For injuries occurring on or after January 1, 2003, an employee who becomes entitled to receive a life pension or total permanent disability indemnity...shall have the payment increased annually commencing on January 1, 2004, and each January 1 thereafter, by an amount..." Labor Code §4659(c)