LUMP SUM PAYMENTS AND COMMUTATION CALCULATIONS

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Lump Sum Payments - Commutation

• LC 5100
  • ...the appeals board, on its own motion either upon notice, or upon application of either party with due notice to the other, may commute the compensation payable under this division to a lump sum and order it to be paid forthwith or at some future time if...

Commutations

LC 5100 allows for lump sum if:

a. It is necessary for the protection of the person entitled thereto, or for the best interest of the applicant.

b. That commutation will avoid inequity and will not cause undue expense or hardship to the applicant.
Commutations

• LC 5101
• assuming interest at the rate of 3 percent per annum...

• taking into consideration the probability of the beneficiary’s death only in estimating the present value of such life pension.
  – This is built into the DWC’s PV Tables 2 and 3

Commutations

• Lump sum to injured worker
• Lump sum to applicant attorney
Attorney Fees

- 4906

- (d) In establishing a reasonable attorney’s fee, consideration shall be given to the responsibility assumed by the attorney, the care exercised in representing the applicant, the time involved, and the results obtained.

Attorney Fees

WCAB POLICY AND PROCEDURAL MANUAL - 1.140 ATTORNEY’S FEES

- In cases of average complexity, the WCAB believes that a reasonable fee will be in the range of 9 percent to 12 percent of the permanent disability indemnity, death benefit or compromise and release awarded.
WCAB POLICY AND PROCEDURAL MANUAL - 1.140 ATTORNEY’S FEES

• In cases of above average complexity, a fee in excess of the normal upper limit of 12 percent applicable to all benefits described in Paragraph 1 hereof is warranted.

• the WCJ should be satisfied that there is an adequate basis for justifying the fee determination if it should be made an issue.

WCAB POLICY AND PROCEDURAL MANUAL - 1.140 ATTORNEY’S FEES

• In cases of below average complexity, the fee applicable to all benefits described in Paragraph 1 hereof may range downward from the 9 percent – 12 percent range to as low as 1 percent.
Attorney Fees

- Based on calculation of benefits
- COLA projections used to calculate total benefits
- Case law indicates that benefit increases should be projected at no more than 3% when used to evaluate attorney fees
- Approved by the WCAB for each case

COLA - Summary

- COLA is calculated using Dept of Labor average weekly wage reported in 1st quarter, compared to prior year first quarter.
- COLA increases payment on January 1 of the year after the beginning of PTD or Life Pension, and every January 1 thereafter, for dates of injury Jan 1, 2003 and later.
- Projected COLA rate needed to estimate future increases (3%).
- Calculate beginning/ending dates.
- Use correct Life Expectancy (Male/ Female).
Southern California Edison v. WCAB and Elsie Martinez

“Section 5101, which governs how workers’ compensation awards are to be commuted, requires discounting to present value at 3%. Inflating the recovery nullifies the whole exercise of discounting to present value.”

Attorney Fees – Present Value of lifetime benefits?

- Southern California Edison v. WCAB and Elsie Martinez
- Second Court of Appeals 8/23/13 not to be published B245118

- “Future Disability Payments Should Not Be Inflated Prior to Calculating Attorney Fees.”

- Lifetime benefits were projected at the annual rate of 4.6%.
- Commuted award of future payments of $2,005,089 x 15% = attorney fees of $347,210.15
- Weekly benefit was $910, $339.89 weekly deduction = 37.4% will go to attorney fees...
- “The result is an award that is excessive and produces an award of attorney fees exceeding one-third of the recovery.”
Calculating Benefits

- PPD value includes fixed number of weeks of benefits based on DOI; weekly benefit rate is based on AWE, DOI, level of PD
  - Use a spreadsheet.
  - Use some method of date calculation
    - Excel has an available date calculator formula

- Lifetime Benefits (70% PD or greater)
  - COLA applies for DOI 1/1/2003 and after
  - Use correct Life Expectancy tables.
    - Life Expectancy Tables 2012.pdf

https://www.dir.ca.gov/osip/LifeExpectancyTables2012.pdf
Calculating Future Benefits

Life Pension

• PPD award – calculate end date of PPD
• LP rate – awarded rate is paid through end of year initiated
• Life expectancy tables male/ female 2012
  https://www.dir.ca.gov/osip/LifeExpectancyTables2012.pdf

  2012 Life Tables were published by the CDC 11/28/16 – adopted by OSIP for projections in 2017

• Every January 1, apply COLA projections for LP for duration of life expectancy

Calculate Future Benefits

PTD

• Awarded benefit rate – payable through initial year of PTD
• Life expectancy tables male/ female 2012
  https://www.dir.ca.gov/osip/LifeExpectancyTables2012.pdf

  2012 Life Tables were published by the CDC 11/28/16 – adopted by OSIP for projections in 2017

Every January 1, apply COLA projections for PTD for duration of life expectancy
Commutations

- The following link is to the DIR page with Commutation templates and instructions:
  
  [http://www.dir.ca.gov/dwc/deu.html](http://www.dir.ca.gov/dwc/deu.html)

- Disability Evaluation Unit forms
- Commutation templates and instructions .zip file

- The next link is to the DIR and 3 PV tables that are needed for the commutations. (PV is calculated using 3%)
  
  [https://www.dir.ca.gov/t8/10169.html](https://www.dir.ca.gov/t8/10169.html)

Commutations - DEU

- [https://www.dir.ca.gov/dwc/deu.html](https://www.dir.ca.gov/dwc/deu.html)

- Templates and instructions to facilitate the calculation of life pension and permanent disability benefit commutations. When properly used, the templates assure that calculations are done in accordance with commutation calculation methods and tables that went into effect Jan. 17, 2001. The regulations and tables can be found in section 10169 and 10169.1 of Title 8, California Code of Regulations.
Commutations - DEU

- section 10169 and 10169.1 of Title 8, California Code of Regulations.  
  - https://www.dir.ca.gov/t8/10169.html

- Commutation Instructions

- Table 1
- Table 2
- Table 3

Table 1 (“Present Value of Permanent Disability at 3% Interest”) as issued in January 2001,
Table 2 (“Present Value of Life Pension at 3% Interest for a Male”) as issued in July 2001,
Table 3 (“Present Value of Life Pension at 3% Interest for a Female”) as issued in July 2001, and “Commutation Instructions” as issued in January 2001, are hereby incorporated by reference in their entirety as though they were set forth below. The tables and instructions are available from any office of the Division of Workers’ Compensation and may be accessed and printed from the Division’s homepage at www.dir.ca.gov.

Commutations

Methods of Commutation

A - Commutation of all remaining PD
B - Commutation of PD “Off the Far End”
C - Commutation of PD by Uniform Reduction
D - Commutation of all remaining Life Pension after commencement of LP
E - Commutation of all remaining Life Pension before commencement of LP
F - Commutation of portion of remaining Life by uniform reduction of LP
G - Uniform reduction of deferred Life Pension
Commutations

- The two most common commutations requested/approved are:
  - Off the far end
  - Uniform reduction

- There may be separate commutations for a Life Pension case – one for PD, one for LP.
  - If commutation of PD is “off the far end”, benefits end sooner; if Life Pension applies, it results in a gap in benefits between the end of PD and beginning of Life Pension benefits

![Table 1: Present Value of Permanent Disability](table.jpg)
### Table 3 - Present Value of Life Pension for a Female

Use this table to compute, i.e., determine the present value (PV) of life pension benefits for a female. The “Age on DOC” column refers to the age of the injured employee as of the date of the computation. The columns labeled “1, 2, . . .” refer to the period of years between the DOC and the commencement of life pension, commonly referred to as the “deferred period.” The number at the intersection of the row (representing age) and column (representing deferred period) contains the present value at $1 per month for that combination of age and deferred period. Fractional ages and commencement periods can be accommodated using interpolation. See Examples D, E, and F under Computation Procedures. This table is based on the U.S. Decennial Life Tables for 1989-91.

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<th>Age on DOC</th>
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<th>2</th>
<th>3</th>
<th>4</th>
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</tbody>
</table>

(Present Value of Life Pension for a Female - cont'd)

(761)
Commutations

– Which Commutation template
– Ex A, B, C, D, E, F, G

• Life Expectancy Tables (needed for lifetime benefit projections - PTD and Life Pension)
• Commutation Table 1 applies to benefits with a fixed end date (PPD)
• Commutation Table 2 or Table 3 applies to lifetime benefits

Commutation Examples

• DOB: 2/7/1963 – currently 54 year old male
• DOI: 2/2/2013
• PD begins: 2/2/2015
• AWE = $1500

• Date of Commutation – 5/3/17
  – The DOC should be the date a check will be issued
Examples

• #1: 40% PD; $10,000 lump sum to injured worker “Off the Far End”
• #2: 60% PD; attorney fees of 15% “Off the Far End”
• #3: 85% PD (and Life Pension)
  – Attorney fees of 15% of 85% PD, “Off the Far End”; or by “Uniform Reduction”
  – Attorney fees of 15% of PV of Life Pension, “Uniform Reduction of LP”

Commutation Example # 1

• 40% PD – 201 weeks at $230/ week
• 2/2/2015 – 12/10/2018
• No attorney; no attorney fees.
• $10,000 Lump Sum to injured worker
  – “Off the Far End” (Ex B)
**Example WCAB#**

**Date:** 5/3/2017

### B) COMMUTATION OF PD “OFF THE FAR END”

<table>
<thead>
<tr>
<th>Date</th>
<th>DOJ</th>
<th>PD Rating</th>
<th># of weeks</th>
<th>PD weekly rate</th>
<th>Amount to commute</th>
</tr>
</thead>
</table>
| 02/02/13   |     | 40.00%    | 201.0000   | $230.00       | $10,000.00       

<table>
<thead>
<tr>
<th>DOJ</th>
<th>PD starts:</th>
<th>DOJ</th>
<th>PD weekly rate</th>
<th>Amount to commute</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/03/17</td>
<td>02/02/15</td>
<td>02/02/13</td>
<td>$230.00</td>
<td>$10,000.00</td>
</tr>
</tbody>
</table>

#### 1. Determine weeks of PD remaining after date of commutation (DOC):

| 1a | 822 |
| 1b | 822 |
| 1c | 822 |
| 1d | 822 |
| 1e | 822 |

#### 2. Determine PV of weeks of PD remaining after DOC.

<table>
<thead>
<tr>
<th>Weeks</th>
<th>PV</th>
</tr>
</thead>
<tbody>
<tr>
<td>822</td>
<td>81,9862</td>
</tr>
</tbody>
</table>

#### 3. Determine commuted value of all PD due for period after DOC.

| 3a | Enter PV and corresponding #weeks for PV just above 3b |
| 3b | Subtract PV of amount to be commuted (3c from above) |
| 3c | Divide by weekly PD rate |
| 3d | Multiplying by fractional portion of 1f |

#### 4. Determine PV (at $1/week) of amount to be commuted.

| 4a | 43,4783 |

#### 5. Determine PV of weeks remaining after commutation off far end.

| 5a | 38,0992 |
| 5b | Subtract PV of amount to be commuted (4c from above) |

#### 6. Determine number of weeks of PD remaining after commutation off far end.

| 6a | Enter PV and corresponding #weeks for PV just above 6a  |
| 6b | Subtract PV and corresponding #weeks for PV just below 6a  |

#### 7. Determine amount of PD due after commutation off far end.

| 7a | 38,5387 |

#### 8. Determine number of weeks eliminated from far end.

| 8a | Subtract #weeks of PD before commutation from #weeks PD still owed (7a from above) |

#### 9. Additional interest due for payment after date of commutation.

**Additional interest due for each day late:** $2.74
# Commutation Example 1

**TABLE 1**  
**PRESENT VALUE OF PERMANENT DISABILITY**

<table>
<thead>
<tr>
<th>Weeks</th>
<th>PV</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a</td>
<td>84</td>
</tr>
<tr>
<td>2b</td>
<td>83</td>
</tr>
</tbody>
</table>

From 5c: [38.0992]

<table>
<thead>
<tr>
<th>Weeks</th>
<th>PV</th>
</tr>
</thead>
<tbody>
<tr>
<td>6a</td>
<td>39</td>
</tr>
<tr>
<td>6b</td>
<td>38</td>
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</tbody>
</table>

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Commutation Example # 1

- **1c** Weeks elapsed (accrued) through DOC = \(117.4286 \times 230 = 27,008.58\)
- **2a 2b; 6a 6b** PV values from Table 1
- **4a 4b 4c** $10,000 lump sum commutation (10,000 = 43.4783 weeks x $230)
- **7c** PD still owed after DOC = $8,863.90
- **8c** Weeks eliminated off far end: 45.0327 (x $230 = $10,357.52)
- Interest Savings: $10,357.52 - $10,000 = $357.52
- PD ends: 1/28/2018 (45.0327 weeks eliminated from 12/10/18)

Commutation Example # 2

- **60% PD = 351.25 weeks @ $270/ week = $94,837.50**
- **2/2/2015 – 10/27/2021**
- **Attorney fees 15%: $14,225.63**

“Off the Far End” Ex B
### B) COMMUTATION OF PD "OFF THE FAR END"

**Example**

**WCAB#**

**Date:** 5/3/2017

<table>
<thead>
<tr>
<th>DOI</th>
<th>02/02/13</th>
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<tbody>
<tr>
<td>PD starts</td>
<td>02/02/15</td>
</tr>
<tr>
<td>DOC</td>
<td>05/03/17</td>
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</tbody>
</table>

- **PD Rating:** 60.00%
- **# of weeks:** 351.2500
- **PD weekly rate:** $270.00

- **Amount to commute:** $14,225.63

#### 1. Determine weeks of PD remaining after date of commutation (DOC).
- **2a.** Enter corresponding PV for weeks just above 1f: 233 219.0293
- **2b.** Enter corresponding PV for weeks just below 1f: 233 218.1535
- **2c.** Difference of 2a & 2b: 0.8758
- **2d.** Multiply by fractional portion of 1f: X 0.8214
- **2e.** PV of fractional week: 0.7194
- **2f.** Add 2b: 218.1535
- **2g.** PV of weeks remaining after DOC: 218.8729

#### 2. Determine PV of weeks remaining after DOC.
- **3a.** PV of weeks remaining after DOC (2g from above): 218.8729
- **3b.** Multiply by PD rate: X $270.00
- **3c.** Commuted value of all PD due for period after DOC: $59,095.68

#### 3. Determine PV (at $1/week) of amount to be commuted.
- **4a.** Amount to be commuted: $14,225.63
- **4b.** Divide by weekly PD rate: X $270.00
- **4c.** PV of amount to be commuted: 52.6875

#### 4. Determine number of weeks eliminated from far end.
- **5a.** PV of weeks remaining after commutation (5f from above): 218.8729
- **5b.** Subtract PV of amount to be commuted (4c): 52.6875
- **5c.** PV of weeks remaining after commutation off far end: 166.1854

#### 5. Additional interest due for payment after date of commutation: Additional interest due for each day late: $3.90

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*Take values from Table 1: Present Value of Permanent Disability*

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*Take values from Table 1: Present Value of Permanent Disability*
Commutation Example # 2

1c  Weeks elapsed (accrued) through DOC = 117.4286 (x $270 = $31,705.72)

4abc $14,225.63 lump sum commutation ($14,225.63 = 52.6875 weeks x $270)

7c  PD still owed after DOC = $47,148.62

8c  Weeks eliminated off far end: 59.1969 (x $270 = $15,983.16)
    Interest Savings: $15,983.16 - $14,225.63 = $1,757.53
    PD ends: 9/7/2020 (59.1969 weeks eliminated from 10/27/21)

Commutation Example # 3

85% PD: $290/ week x 673.25 weeks = 2/2/2015 – 12/28/2027 = $195,242.50

Life Pension: 12/29/2027 – 9/12/2043 = $204,575.58 (26.4 year life expectancy)
Commutation Example # 3

• Two separate awards for attorney fees:
  • For PD of 85% = $195,242.50
    – 15% = $29,286.38
    – “Off the Far End” Ex B
  • For Life Pension
    – COLA projected for L/E at 3%
    – PV = $138,663.15 ** workcompcentral **
    – 15% of PV = $20,799.47
    – “Uniform Reduction” of Deferred Life Pension - Ex G

B) COMMUTATION OF PD "OFF THE FAR END"

<table>
<thead>
<tr>
<th>DOF</th>
<th>DOC</th>
<th>PD Rating</th>
<th># of weeks</th>
<th>PD weekly rate</th>
<th>Amount to commute</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/02/13</td>
<td>02/02/15</td>
<td>85.00%</td>
<td>673.2500</td>
<td>$290.00</td>
<td>$29,286.38</td>
</tr>
</tbody>
</table>

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Commutation Example # 3 - PD

- Weeks elapsed (accrued) through DOC = 117.4286 \times $290 = $34,054.29
- PD still owed after DOC = $122,352.36
- Weeks eliminated off far end: 133.9167 \times $290 = $38,835.84
- Interest Savings: $38,835.84 - $29,286.38 = $9,549.46
- PD ends: 6/4/2025
Commutation of PD “off the far end”

- LC 4659
- If PD is at least 70%...life pension is “to be paid during the remainder of life, after payment for the maximum number of weeks specified in Section 4658 has been made”

85% PD - “Off the Far End”

- Life Pension begins 12/29/2027 (gap of 133.9167 weeks off the far end of the PD award

- No benefits due 6/5/2025 – 12/28/2027

- Life Pension: 12/29/2027 – 9/12/2043 = $204,575.58
Example # 3 – 85% PD Alternative:

“PD By Uniform Reduction”  Ex C

C) COMMUTATION OF PD BY UNIFORM REDUCTION OF PAYMENTS

- **DOI:** 02/02/13
- **PD Rating:** 85.00%
- **# of weeks:** 673.2500
- **PD weekly rate:** $290.00
- **Amount to commute:** $29,286.38

1. Determine weeks of PD remaining after date of commutation (DOC).

   - **# of days from PD starts through DOC incl:** 822
   - **Divide by 7 days per week:** 117.4286
   - **Weeks elapsed through DOC:** 117.4286
   - **Total weeks of PD:** 673.2500
   - **Subtract weeks elapsed through DOC (1c from above):** 555.8214
   - **Weeks of PD remaining after DOC:** 555.8214

2. Determine PV of weeks of PD remaining after DOC.

   - **PV for #weeks just above 1f:** 476.5468
   - **PV for #weeks just below 1f:** 475.9494
   - **Difference:** 0.5974
   - **Multiply by fractional portion of 1f:** 0.5995
   - **PV of fractional week:** 476.5489

3. Determine amount of reduction required to produce lump sum.

   - **Amount to be commuted:** $29,286.38
   - **Divide by PV of remaining weeks (2g from above):** 476.5489
   - **Amount of reduction after rounding to nearest whole cent:** $61.46


   - **Weekly PD rate:** $290.00
   - **Subtract amount of reduction (3c from above):** $228.54

5. Determine amount of PD still owed for period after DOC.

   - **#weeks of PD remaining after DOC (5a from above):** 555.8214
   - **Multiply by new PD rate after reduction (4c from above):** $127,027.42

6. Additional interest due for payment after date of commutation.

   - **Additional interest due for each day late:** $8.02
85% PD – “By Uniform Reduction”

- **1e** Weeks elapsed (accrued) through DOC = 117.4286 (x $290 = $34,054.29)
- **1f** Weeks remain of PD = 555.8214 (555.8214 = $161,188.21)
- **3a** Amount commuted = $29,286.38
- **5a** Amount of PD still owed = $127,027.02

Interest Savings: $161,188.21 – 29,286.38 – 127,027.02 = $4,874.81

• PD continues to 12/28/2027; LP begins 12/29/2027

85% PD - Uniform Reduction

• **4** Determine new PD rate after reduction.
  - **4a** Weekly PD rate = $290.00
  - **4b** Subtract amount of reduction (3c from above) = $61.46
  - **4c** New PD rate after reduction = $228.54
85% PD – Uniform Reduction

- Reduction applies to all PD benefits due after Date of Commutation (5/3/2017)
- “Uniform Reduction” is $61.46 from weekly benefit
- **Benefit rate from 5/4/2017 through 12/28/2027 = $228.54**
- **No gap in benefits (Life Pension begins 12/29/2027)**

PV of Life Pension

- **From workcompcentral PV calculator:**
  - PV of Life Pension, with COLA (‘due for Baker’) = $138,663.15 (this includes LP calculated with COLA projected at 3% (calculations differ re total LP)
  - Attorney fee = 15% of PV = $20,779.47
### G) COMMUTATION OF A PORTION OF DEFERRED LIFE PENSION
BY UNIFORM REDUCTION OF LIFE PENSION

<table>
<thead>
<tr>
<th>Date of birth:</th>
<th>02/07/63</th>
<th>Total weeks PD:</th>
<th>673.25</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOR:</td>
<td>02/02/13</td>
<td>Life pension rate:</td>
<td>$193.27</td>
</tr>
<tr>
<td>PD start:</td>
<td>02/02/15</td>
<td>Gender:</td>
<td>male</td>
</tr>
<tr>
<td>DOC:</td>
<td>05/03/17</td>
<td>Amount to commute:</td>
<td>$20,779.47</td>
</tr>
</tbody>
</table>

1. **Determine exact age in years as of date of commutation (DOC):**
   - Calculate the exact age on the date of commutation (DOC).
   - **Exact age on DOC:** 54.236

2. **Determine number of years between DOC and LP commencement.**
   - Calculate the number of years between the date of commutation (DOC) and the date of LP commencement.
   - **Number of years from DOC to LP commencement:** 10.653

3. **Determine PV of life pension for exact age and deferral period.***
   - **PV for age 54 and deferral period 10:** 400.7
   - **PV for age 55 and deferral period 10:** 382.45
   - **Difference:** 18.25
   - **Multiply by fractional portion of age:** x 0.236
   - **Interpolation adjustment for age:** 4.31
   - **PV for age 55 and deferral period 11:** 367.93
   - **Difference of PV for age 54 and 55:** 32.77
   - **Multiply by fractional portion of deferral period:** x 0.653
   - **Interpolation adjustment for deferral period:** 21.40
   - **PV for age below 54 and deferral period below 11:** 400.7
   - **Subtract sum of interpolation adjustment for age and deferral period:** -25.71
   - **PV for exact age and deferral period on DOC:** 374.99

4. **Calculate amount of reduction in LP rate necessary to produce lump sum.**
   - **Amount to commute:** $20,779.47
   - **Divide by PV for exact age and deferral period on DOC:** x 374.99
   - **Amount of weekly reduction in LP:** $55.41

5. **Calculate LP rate after commutation.**
   - **LP rate before commutation:** $193.27
   - **Subtract weekly reduction in LP:** -55.41
   - **LP rate after commutation:** $137.86

6. **Additional interest due for payment after date of commutation:**
   - **Additional interest due for each day late:** $5.69

* Take values from Table 2 - Present Value of Life Pension for a Male, or Table 3 - Present Value of Life Pension for a Female, as dictated by gender.
TABLE 2
PRESENT VALUE OF LIFE PENSION FOR A MALE

- Number of years between date of commutation (DOC) and commencement of life pension

<table>
<thead>
<tr>
<th>Age on DOC</th>
<th>Deferral period</th>
<th>PV</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a 54</td>
<td>10</td>
<td>400.70</td>
</tr>
<tr>
<td>3b 55</td>
<td>10</td>
<td>382.45</td>
</tr>
<tr>
<td>3f 54</td>
<td>10</td>
<td>400.70</td>
</tr>
<tr>
<td>3g 54</td>
<td>11</td>
<td>367.93</td>
</tr>
</tbody>
</table>

Commutation Example # 3 - LP

- **2g** 10.653 years from DOC to LP commencement
- **3a** **3b** **3g** PV values from Table 2 (male) or Table 3 (female)
- **4c** Uniform Reduction = $55.41 per week
Commutation Example # 3 - LP

- **5** Calculate LP Rate after commutation
- **5a** LP rate before commutation $193.27
- **5c** Subtract weekly reduction (4c) $55.41
- **5c** LP Rate after reduction = $137.86

$193.27 – $55.41 = $137.86 = year 1 LP benefit (2027)

- COLA applies to LP Rate (before reduction) each January 1st
  - in this case, beginning 1/1/2028
- Subtract $55.41 from current LP rate to obtain benefit rate after commutation
Commutations

Limitations:
- Issued in 2001
- Table 1 – PV for commutation of current benefit payment – ends at 950 weeks (18.27 years)
- Table 2 and 3 – PV for commutation of future benefit payment (Life Pension) will project out 14 years (x 52 weeks = 728 weeks; for DOI 2005 or later, 89% PD = 737.25 weeks)
- COLA is not included

You can request Commutations from the DEU – [https://www.dir.ca.gov/dwc/forms/DEU_CommutationRequest.xls](https://www.dir.ca.gov/dwc/forms/DEU_CommutationRequest.xls)

### COMMUTATION REQUEST

<table>
<thead>
<tr>
<th>Section</th>
<th>Field</th>
<th>Instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td>All cases</td>
<td>Name</td>
<td>Requested by:</td>
</tr>
<tr>
<td></td>
<td>EAMS Case #</td>
<td>Contact number:</td>
</tr>
<tr>
<td></td>
<td>DOI</td>
<td>Request Date:</td>
</tr>
<tr>
<td></td>
<td>P&amp;S date</td>
<td>If DOI is 1/1/03 or 1/1/05 or earlier, PD or PTD benefits would be subject to annual SAWW-based increases.</td>
</tr>
<tr>
<td></td>
<td>Attorney fee% (if applicable)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Annual SAWW increase (if applicable)</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** For Judge to fill in Annual SAWW increase and provide approval signature. If judge leaves, Annual SAWW increase blank, DEU will use 3%.

**Permanent Disability:**

- PD Rating: Judge
- PD duration (in weeks): Signature
- Initial PD weekly rate: ___________
- Is PD subject to +15% adjustment under LC 4658(d)(1)(A)?
- Is PD subject to -15% adjustment under LC 4658(d)(1)(B)?

**PD start date (typically the Start date of benefits):** Initial benefit rate: ___________

**Initial rate of LP benefits:**

**Gender:**

**Life Pension:**

- Date of birth: Average Weekly Earnings: ___________
- P&S date or the day after TD ends: Initial benefit rate: ___________
- PD duration (in weeks): Death benefit amount (LC 4702): ___________
- Initial rate of PTD benefits: DOB of youngest child: ___________
- Gender: ___________

**100% Permanent Total Disability:**

- Date of birth: Additional Comments: ___________
- PTD start date (typically the death date): Initial rate of PTD benefits: ___________
- P&S date or the day after TD ends: Commutations involving 104 week TD cap: ___________
- Initial rate of PTD benefits: Will follow Brower vs. Jones (ADJ802221) in determining start date of PTD or PTD.

**Gender:**

**Additional Comments:**
Law Offices of
Bradford & Barthel, LLP
WE PROMISE AGGRESSIVE, EFFICIENT, COST EFFECTIVE REPRESENTATION

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