



This brochure is intended to answer the most frequently asked questions regarding lump sum settlements. It may not contain a solution to your particular problem and is not intended to substitute for legal advice. The specific facts of your situation may result in interpretations that are different from those presented here. For further information, contact one of our Benefit Analysts.

**Idaho Industrial Commission
Main Office**

700 S. Clearwater Lane
Boise, Idaho 83712
1-208-334-6000
FAX 1-208-334-2321
www.iic.idaho.gov

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Information on costs associated with this publication are available from the Idaho Industrial Commission in accordance with Idaho Code § 60-202.

Field Offices

Boise

4355 W. Emerald St., Suite 105
Boise, ID 83706
Phone: 208-334-2024
Fax: 208-334-3711

Burley

127 W. 5th N., Suite A
Burley, ID 83318
Phone: 208-678-3332
Fax: 208-677-3616

Caldwell

904 Dearborn Street, Suite 202
Caldwell, ID 83605
Phone: 208-454-7609
Fax: 208-454-7635

Coeur d'Alene

1111 W. Ironwood Drive, Suite A
Coeur d'Alene, ID 83814
Phone: 208-769-1452
Fax: 208-769-1465

Idaho Falls

1820 E. 17th, Suite 300
Idaho Falls, ID 83404
Phone: 208-525-7248
Fax: 208-525-7013

Kellogg

35 Wildcat Way, Suite B
Kellogg, ID 83837
Phone: 208-786-4600
Fax: 208-786-7110

Lewiston

1118 "F" Street
Lewiston, ID 83501
Phone: 208-799-5035
Fax: 208-799-3482

Payette

501 N. 16th, Suite 107
Payette, ID 83661
Phone: 208-642-0181
Fax: 208-642-6163

Pocatello

1070 Hiline, Suite 300
Pocatello, ID 83201
Phone: 208-236-6399
Fax: 208-236-6040

Sandpoint

613 Ridley Village Road, Suite C
Sandpoint, ID 83864
Phone: 208-263-5747
Fax: 208-265-9637

Twin Falls

1411 Falls Avenue East, Suite 915
Twin Falls, ID 83301
Phone: 208-736-4700
Fax: 208-736-3053



IDAHO INDUSTRIAL COMMISSION

Idaho Workers' Compensation Lump Sum Settlements

Idaho Code 72-404. Lump sum payments. Whenever the commission determines that it is for the best interest of all parties, the liability of the employer for compensation may, on application to the commission by any party interested, be discharged in whole or in part by the payment of one or more lump sums to be determined, with the approval of the Commission.

What is a lump sum settlement?

A Lump Sum Settlement is a final settlement between the injured worker and the insurance carrier/employer, which allows benefits to be paid all at once instead of over time. Most settlements close all benefits forever. However, it is possible to finalize some types of benefits and leave other benefits (usually medical) open. Once a Lump Sum Settlement is agreed to by all parties and approved by the Commission, the claim finalized by the settlement cannot be reopened for future workers' compensation benefits.



Is an impairment award a settlement?

Money paid for your permanent impairment rating is not a final settlement. The money for your impairment rating is yours, whether you agree to a settlement or not. In most situations, once the impairment is paid in full the claim is placed in an inactive or closed status. The claim may be reopened if additional medical treatment is needed for conditions caused by the subject injury, per a physician's opinion. No time limitation applies to medical benefits, but income benefits are normally limited to five years from the date of injury, unless a Complaint is filed with the Commission.

What should be included in a lump sum settlement?

Since a lump sum settlement will forever close the claim, an injured worker may consider any future costs he believes will arise. Most common are:

- Medically verified future medical costs
- Unpaid impairment balance
- Money for disability related to decreased wage-earning capacity OR retraining costs (income benefits, books, tuition)

Do I need to seek legal counsel?

An Industrial Commission-approved Lump Sum Settlement is a legally binding agreement. You may want to consider consulting with an attorney to either assist with settlement negotiations or to review a settlement that has previously been negotiated.

What is the Commission's role in lump sum settlements?

Idaho Code requires that a lump sum settlement be approved by the Industrial Commission before it can be a legally binding document. Settlements must be in the best interests of all parties, and must be approved by at least two of the three Commissioners.

What if the Commission does not approve it?

The Commission may request additional information or action regarding the claim. Parties have the right to request a hearing to review the settlement and the Commission's decision. If a settlement is not approved the claim remains in pre-settlement status.

What happens if I decide not to settle?

- Your medical benefits will remain available.
- Your income benefits may be resumed if you are disabled again by your work injury within the applicable time limitations. The surety may choose to make a lesser offer should you later decide to settle.

What is third-party liability?

If a third party is found to be responsible for the accident, a separate claim may be made and legal action may be taken. (Your employer cannot be a third party.) However, if recovery is made against a third party, it is subject to subrogation.

What is subrogation?

Subrogation is the right of one party to be reimbursed for payments they have made that were actually the responsibility of another party. If there is third-party liability, the workers' compensation surety has a legal right to reimbursement for all or a portion of the benefits paid. The surety may waive all or part of its rights to recover the money as part of the settlement.