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For Workers' Compensation Clients: Facts About Other Benefits in California

Workers' compensation benefits can sometimes be delayed or denied, or end too early. This factsheet describes several other benefits that may be available to pay for your medical care and help replace lost wages.

For information about workers' compensation benefits, see the Worksafe factsheet, "If You Get Hurt on the Job." For information about workers' compensation attorneys and how to choose one, see the Worksafe factsheet, "Workers' Compensation Applicants' Attorneys."

Important Information for Workers Who Are Not U.S. Citizens

Regardless of immigration status, all workers who paid into the state disability system (see below) are entitled to receive State Disability Insurance (SDI) benefits. Legal immigrants should seek legal advice to know whether applying for the other benefits described in this factsheet could affect immigration status. Undocumented workers are not entitled to receive the other benefits described below. They are, however, entitled to workers' compensation benefits.

California Disability and Unemployment Insurance Programs

- **State Disability Insurance (SDI) benefits** help replace wages for up to 52 weeks for persons who worked for private employers and are now unable to work because of a disability. It is funded through payroll deductions shown on employee pay stubs. All workers who paid into the system, as shown on their pay stubs, are entitled to receive SDI benefits.

You should file a claim for SDI soon after you become disabled. You should do this even if you are receiving workers' compensation payments, in case there is a problem later with your workers' compensation claim. This is because SDI payment amounts are based on your recent earnings: the wages you earned in a 12-month period beginning 15 to 18 months before you file for SDI.

If you receive 52 weeks of SDI benefits and are still disabled, you may be eligible for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits (see below).

- **Unemployment Insurance (UI) benefits** help replace wages if you are still willing, able, and available to work, but your employer terminates you from your job anyway. This insurance is funded by tax contributions from employers.

You can file a claim for UI benefits if your employer terminated you but you are still able to work. In most cases you shouldn't delay, because UI benefits are based on recent earnings: the wages you earned in a 12-month period beginning 15 to 18 months before you file for UI.

For any period when you received or should have received workers' compensation temporary disability (TD) or permanent disability (PD) benefits, the California Employment Development Department (EDD) will seek reimbursement from your employer or employer's insurance company for SDI or UI benefits that it paid to you. If you already received your TD or PD benefits and the EDD cannot get reimbursed by your employer or employer's insurance company, the EDD may ask you to return the SDI or UI benefits.

Workers who intentionally do not tell the EDD about workers' compensation benefits may be investigated and prosecuted.

For more information or to file a claim for SDI or UI, contact the EDD (www.edd.ca.gov).

U.S. Social Security Programs

- **Social Security Disability Insurance (SSDI)** is for persons who cannot do any work that pays enough because of a disability that is expected to last at least one year or result in death. To be eligible, you must have worked long enough (depending on your age) and paid Social Security taxes.

You should apply for SSDI as soon as you become disabled. You should do this even if you are receiving other benefits, in case there is a problem with the other benefits or they end and you are still disabled. This is because it can take three to five months to process your application.

If you receive workers' compensation temporary disability (TD) or permanent disability (PD) benefits, the SSA may subtract those amounts from your SSDI payments, or bill you for overpayment.

If you are receiving SSDI when you reach full retirement age (66 to 67, depending on the year you were born), your SSDI will be converted to Social Security retirement benefits. Like SSDI, Social Security retirement benefits are available to persons who paid Social Security taxes.

- **Supplemental Security Income (SSI)** is for persons with limited income and resources who cannot do any work that pays enough because of a disability that is expected to last at least one year or result in death. (It is also for persons with limited income and resources who are age 65 or older.) You may be able to receive both SSDI and SSI at the same time if

the amount of SSDI is very low. SSI is not funded by taxes you paid individually, but by the federal government.

You should apply for SSI as soon as you become disabled.

Workers receiving workers' compensation TD or PD benefits are usually not eligible for SSI.

Persons receiving SSDI or SSI must promptly report any changes in work activity or income, or changes in the value of property or other resources. Workers who intentionally do not tell the U.S. Social Security Administration (SSA) about workers' compensation benefits may be investigated and prosecuted.

For more information or to apply for SSDI or SSI, contact the SSA (www.ssa.gov).

Medicare and Medi-Cal Programs

- **Medicare** pays for health care for persons who have been receiving SSDI benefits (and also for persons age 65 or older). It is funded by the federal government.

Medicare does not pay for medical treatment covered by workers' compensation. If the workers' compensation insurance company delays or denies your claim, or if your health care provider obtains payment from Medicare for treatment that the insurance company should have paid for, Medicare may seek reimbursement from the insurance company or from your health care provider.

If you do not file a workers' compensation claim or do not cooperate with Medicare in its efforts to be reimbursed by the workers' compensation insurance company or by your health care provider, Medicare may seek reimbursement from you.

When an injured worker settles his or her workers' compensation case for a lump sum, the terms of the settlement can limit the amount that Medicare will pay for treatment of the injury. Therefore, before settling your workers' compensation case, you should contact an attorney to avoid possible problems with Medicare benefits.

If you have been receiving SSDI for two years (or if you reach 65 while receiving Social Security retirement benefits), you will be automatically enrolled in Medicare. For more information or to enroll in Medicare, contact the U.S. Department of Health and Human Services (www.medicare.gov).

- **Medi-Cal** is California's Medicaid program. Medi-Cal pays for health care for persons with limited income and resources. This includes persons receiving SSI and others. Some persons receiving Medicare may still be eligible to receive Medi-Cal to help pay for costs not covered by Medicare. Medi-Cal is funded jointly by the State of California and the federal government.

If you apply for and receive SSI, you will be automatically enrolled in Medi-Cal. Workers receiving workers' compensation medical care are usually not eligible for Medi-Cal. Even if you are not receiving SSI, you should apply for Medi-Cal if you are not able to pay for your medical expenses.

For more information or to enroll in Medi-Cal, contact your local County office or link to the website of the California Department of Health Care Services (www.dhsc.ca.gov).

If you are waiting to receive Medicare or Medi-Cal benefits or are ineligible for those benefits, you should use your own health insurance (if you have insurance) or try to find a doctor, clinic, or hospital that will treat you without immediate payment. The health insurer, doctor, clinic, or hospital can later seek reimbursement from your employer's workers' compensation insurance company.

This factsheet was produced by Worksafe, Inc., and the University of California, Berkeley, in June 2011.

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