THE LEVEL OF EDUCATION AND LOSS OF EARNING CAPACITY FOR WISCONSIN WORKER'S COMPENSATION CLAIMANTS

By

Christine S. Olsen

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Investigation Advisor

The Graduate College
University of Wisconsin-Stout
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The Graduate College
University of Wisconsin-Stout
Menomonie, WI 54751

ABSTRACT

Olsen Christine S
(Writer) (Last Name) (First) (Initial)

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Loss of earning capacity is only one brief component of Worker's Compensation. There are many factors involved in determining a person's level of loss of earnings. Level of education is a factor that will affect a person's lost earning capacity. In this study, the educational level of the individual will be correlated with their estimated loss of earning capacity.

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CHAPTER ONE

Introduction

Worker's Compensation is a no-fault insurance system that pays benefits to employees who incur a workplace injury or disease related to a work exposure (Department of Industry, Labor and Human Relations, 1997).

Early on, attempts to create a system of compensation for workers in the United States looked upon systems created in Germany and England in the late nineteenth century. In 1883, Germany enacted the Sickness Insurance Law followed by the Accident Insurance Law in 1884. In 1889, the Act for Insurance Against Old Age and Invalidity came about. In comparison, England passed the Employers' Liability Act in 1880 and in 1897 enacted the British Workmen's Compensation Act. The United States worked to develop their own legislation early in the twentieth century. The eventual development of Worker's Compensation laws occurred after the passage of the Federal Employer's Liability Act in 1908. By 1911, ten states had developed Worker's Compensation laws that upheld Supreme Court challenges. Worker's Compensation assured employees compensation for occupational injuries, however employees needed to forego their right to sue their employers should they become injured on the job (Matkin, 1995).

When a workplace injury occurs, the worker is usually uncertain of the course of events that are going to take place. Many believe that a little time and a few visits to a professional in the medical field will "heal" them and they can return to their "normal" routine. Certainly, no one can foresee catastrophic events that can happen. The tendency that many people lean on is that "it can't happen to me." However, when a devastating injury occurs many people are not able to return to their pre-injury job or their pre-injury earnings level. Therefore, a loss of

earning capacity evaluation must be completed. There are several variables that need to be considered when determining a loss of earning capacity. Some of these variables include: age, education, income at the time of injury, work history and local labor market (Field, 1993).

A review of the literature shows that a person's level of education is a factor associated with their capacity to earn money (Gamboa, 1988). Studies have also shown that functional limitations will affect a more highly educated worker (Berkowitz and Burton, 1987). Therefore, the research hypothesis for this study is that the less educated a person is, the higher the percentage of loss of earning capacity will be if they incur a work-related injury resulting in the inability to return to pre-injury employment.

This study will provide a sense of how a person's level of education will impact any loss of earning capacity claim they may file. An individual's level of education is important because it affects the transferable skills of the person. Transferable skills is a factor in determining loss of earning capacity and will be discussed in Chapter two.

It is important to note that not all worker compensation claimants will file a loss of earning capacity claim (this will be described in Chapter two). The results from this study may not be applied to all individuals who file for a loss of earning capacity. A sense of a person's educational level may assist in implying where a level of loss of earning capacity may be. This paper can be used by rehabilitation professionals, attorneys, physicians and other medical professionals who specialize in Worker's Compensation claims as well as those working for Worker's Compensation divisions in each state that loss of earning capacity applies. As long as loss of earning capacity is a factor, it will be helpful to attempt to understand how many of the

predetermined factors of a person (in this case the amount of education) impacts the level of loss of earning capacity determination. There is little published research looking at how education and loss of earning capacity are correlated, only that an individual's level of education affects lost earning capacity that one will experience. The Bureau of Labor Statistics conducted a study and found that 60 percent of full-time workers who earn $30,000 or more per year do not have a bachelor's degree. This study looked at 88 occupations that paid $30,000 or more per year and found that of these, only 41 jobs required a four-year degree with the remaining 47 jobs requiring less education (Wisconsin Technical College System, 1999). According to Berkowitz and Burton (1987), a functional limitation may affect a more highly educated worker less than the same given limitation would affect a more poorly educated worker. The more educated worker will rely on mental skills versus physical skills to find employment. This paper will determine how these two are related. This study will attempt to relate the results to the population as a whole. There are many factors, briefly mentioned above that will be described further in Chapter two that will affect what an individual's loss of earning capacity may be.

Statement of Problem

The purpose of this study is to determine the correlation between the level of education measured in years and the loss of earning capacity as measured by a percent of lost annual income pre-injury as compared to post-injury for Worker's Compensation claimants in the State of Wisconsin and as evaluated by Cascade Disability Management, Inc. in the Eau Claire, Wisconsin office.

Null Hypothesis

There is no statistically significant correlation between educational level and level of loss of earning capacity for Worker's Compensation claimants in the State of Wisconsin.

Definition of Terms

For the purposes of this paper, the terms "individual", "person" and "injured worker" will be defined as Worker Compensation claimants.

Transferable skills are those skills a person possesses that can be matched to the demands of other jobs (Rasch, 1985). The Social Security Administration (SSA) has defined transferability of skills as those "skills that can be used in other work" (Field and Weed, 1988, p. 2.7).

Work-related injuries are broken down into two categories: unscheduled and scheduled.

An unscheduled injury is one that occurs to the trunk, internal organs, nervous system and closed head injury (Berkowitz and Burton, 1987).

A scheduled injury is an injury to the arms (including the shoulder, wrists and hands), legs (including hips, knees, ankles and feet) and loss of hearing and vision (Berkowitz and Burton, 1987). A physician will give an impairment rating to an individual who has suffered a scheduled injury. Compensation is then based on the total number of weeks allowed in a "schedule" multiplied by the percentage of impairment assigned by the physician. This number is then multiplied by the employee's weekly wage (or the maximum amount of reimbursement allowed by the state, which ever is less). This could be considered the "settlement."

Loss of earning capacity is defined as a percentage or dollar value that looks at what the injured worker's wage was at the time of the injury and what they are capable of earning after

they are released to return to work. Factors taken into consideration when determining a loss of earning capacity are; current occupation and earnings; likelihood of future occupational changes; efforts to obtain employment; willingness to relocate to obtain employment success and willingness to participate in a vocational rehabilitation program (Department of Workforce Development 80.34, 1996).

A functional limitation can be described as a loss or partial loss of one or more parts of the body which result in limitations being imposed on the person, assuming the person will never improve from that point with regard to the said part of the body (Department of Workforce Development, 1996). An example would be of a person who had a low back injury and is only capable of lifting a maximum of 30 pounds as a result of that injury, assuming that individual was capable of lifting more than 30 pounds prior to the injury, and it is believed that limitation will be permanent.

CHAPTER TWO

Review of Literature

As described earlier, Worker's Compensation insurance and the governing laws were developed to protect the employer from being sued by an employee as a result of a workplace injury.

The focus of this Review of Literature is to give a brief background describing Worker's Compensation Law, the factors which must be considered when determining a loss of earning capacity and a study looking at how different personal factors affect the rate of return to work for Worker's Compensation claimants.

Legislation Defining Worker's Compensation

The Wisconsin Worker's Compensation Law was enacted in 1911, it was the first Constitutionally approved law in the United States. Wisconsin's Worker's Compensation Law has been referred to as one of the best laws ever enacted (Berkowitz and Burton, 1987). Worker's Compensation in Wisconsin is designed to be a no fault system. A person who is injured or incurs an occupational disease on the job is entitled to worker's compensation benefits without regard to fault on the part of the employee or employer (Pitts). There are five benefits that are continued in a majority of Worker Compensation laws (Pitts). These benefits include:

1. Medical expenses related to the injury.
2. Temporary total disability while the injured party is off of work. Benefits are two-thirds of the average weekly earnings of the individual.

3. Permanent partial disability which is determined at the time the individual has reached a healing plateau. This benefit is paid at a rate set by the state.
4. Retraining benefits payable for up to 80 weeks when return to pre-injury employment is not possible.
5. Loss of earning capacity benefits for unscheduled injuries when the ability to return to work at 85 percents of the person's pre-injury wage is not possible (Pitts).

A loss of earning capacity claim can only be made for unscheduled injuries. Loss of earning capacity benefits are paid to those individuals who do not return to work or return to work at a wage lower than what they were earning at the time of their injury (Durbin and Kish, 1998). A loss of earning capacity would exist when the injured worker is excluded from performing jobs that would have been available to him/her prior to the injury. The injury may have resulted in permanent physical restrictions which would cause the exclusion from employment (Seneczko, 1993). About 25 percent of workers in Wisconsin who incur some degree of permanent impairment receive loss of earning capacity benefits. To qualify for these benefits, the worker must have a loss of earnings of 15 percent or more of their pre-injury earnings (Boden and Victor, 1994). Loss of earning capacity is measured by the difference between the person's earnings at the time of injury and the person's earning capacity after their injury (Pitts).

A loss of earning capacity encompasses several factors, each of which will be discussed.

*Permanent physical limitations which have been assigned by a physician (Lehner, 1997). These limitations will assist the vocational expert in determining what occupations and jobs the individual will be excluded from.

*Age is an important factor because as the individual gets older, the less likely he/she is to acquire new work skills. In other words, their ability to learn a new job has been reduced (Field and Weed, 1988). Age is also an important variable when determining how many years the person has left in the labor market. It is usually safe to assume the person would retire between the ages of 65 to 70.

*Work history is an important factor to take into account (Field and Weed, 1988). The expert should be asking if the individual has the ability to return to a job that they held prior to being injured on their current job. This information also would assist in determining the transferable skills of the individual to new jobs.

*Training is another factor in determining loss of earning capacity (Seneczko, 1993). Similar to work history, any training the individual may have had will assist in determining the transferable skills one has, the more employable they may be in the labor market.

*Education is a critical factor in all jobs. "Inherent to all jobs is the ability to learn new work skills and to perform a wide range of abilities requiring either education or training"(Field and Weed, 1988, p. 2.6). The more

education a person is likely to have, the more likely they are to be able to perform different jobs in the labor market as more educated people are likely to rely on mental rather than physical skills to be successful in keeping employment (Berkowitz and Burton, 1987).

The Menninger Study

The Menninger Return to Work Center in Topeka, Kansas completed a study that determined what variables were associated with successful return to work. Some of these variables will be described.

The data was collected from 892 Worker's Compensation claimants in 29 states (Hester, Decelles and Keepper, 1989). The study found that men in the workforce were more likely to be injured than women and that nearly one-third of occupational injuries occur when the worker has worked for the employer for less than one year. A majority of the Worker's Compensation claimants had back injuries (Hester, Decelles, Keepper, 1989). Back injuries are the number one occupational injury in this country with approximately two percent of the nation's workforce which equates to 450,000 sustaining back injuries each year (San Francisco Spine Center, 1997). The Menninger study also found that Worker Compensation claimants living in rural areas were more successful in returning to work than those who lived in non-rural areas. The average age for a Worker's Compensation claimant in this study was 37.5 years, which is interesting to note that the average age of all workers in America is 36.5 years. The average claimant had completed 11.6 years of education, 28 percent had fewer than 12 years of education with 50

percent completing twelve years of education and the remaining 22 percent had completed more than twelve years of education (Hester, Decelles and Keepper, 1989).

The types of occupations claimants were working in at the time of injury breaks down as follows:

*Managerial/Professional	7 percent
*Technical/Sales/Support	15 percent
*Service	14 percent
*Craft/Repair	19 percent
*Operator/Fabricator	43 percent
*Farming/Forestry	2 percent

(Hester, Decelles and Keepper, 1989, p. 21).

The Menninger study discovered several demographic variables related to successful return to work. With respect to gender, 59 percent of males and 61 percent of females were successful in returning to the labor market. The study also discovered that workers who have never been married were successful in their return to work 63 percent while married persons returned 61 percent and divorced, widowed or separated returned to work 46 percent of the time. Workers without children returned to work 60 percent of the time, while those with one child were successful in returning to work 64 percent of the time, two children 52 percent, workers with three or four children returned to work 71 percentof the time. Those with five or more dependents obtained gainful employment only 50 percent of the time in this study. The average age of those individuals who returned to work was 36.5 years at the time of their injury. Those who did not return to work were on the average 38.8 years old. The study found what is defined

as “a small, but significant difference in the educational level of those who returned to work and those who did not return” (Hester, Decelles and Keepper, 1989, p. 79). Of those who did return to work, they had an average of 11.8 years of education (SD=2.27). Those who did not return to work had an average of 11.2 years of education (SD=2.53).

Of those participants who worked in each of these occupational categories at the time of their injury, the Menninger study found that those who returned to work breaks down as follows:

* Managerial/Professional	59 percent
* Technical/Sales/Support	56 percent
*Service	68 percent
*Craft/Repair	56 percent
*Operator/Fabricator	61 percent
*Farming/Forestry	44 percent

(Hester, Decelles and Keepper, 1989, p. 82).

Other Research

The Wisconsin Technical College System (1999) cites research done by Louis Glazer of Michigan Future Inc. and Donald Grimes of the University of Michigan in June of 1998. They found the following median wages that correlate with educational level:

EDUCATION	EARNINGS
Not a high school graduate	$16,500
High school graduate	$24,000
Some college (no degree)	$25,000
Associate degree, academic	$25,000
Associate degree, occupational	$32,000
Bachelor’s degree	$34,000
Master’s degree or more	$40,000

(Wisconsin Technical College System, 1999).

Another study published in the Monthly Labor Review ("Most hours in private sector," 1999) compared the hours worked in 1948 and the hours worked in 1997 between those with varying levels of education. The study found that men with less than a high school diploma accounted for 60 percent of all hours worked by men in 1948. Women accounted for 50 percent of all hours worked by women during the same year. In 1997, men with less than a high school diploma worked only 12 percent of hours while women were found to work only 9 percent. Hours worked in 1948 by men with 13 or more years of education was 15 percent and correspondingly 11 percent for women. By 1997, men with more than a high school education accounted for 53 percent of all hours worked by men while women had a corresponding 55 percent of hours worked by women.

The information provided in this study provides a foundation for determining whether the level of education impacts loss of earning capacity similar to how educational level impacts return to work. The research hypothesis for this study is attempting to discover whether or not level of education impacts loss of earning capacity. The Menninger study found that the less education a claimant had, the less likely they were to return to work. One could assume that they could have a more substantial loss of earning capacity than those with more education.

CHAPTER THREE

Methodology

Statement of Problem

The purpose of this study is to determine the correlation between the level of education measured in years and the loss of earning capacity as measured by a percent of lost annual income pre-injury as compared to post-injury for Worker's Compensation claimants in the State of Wisconsin and as identified by Cascade Disability Management, Inc. in the Eau Claire, Wisconsin office.

Subjects

The population in this study will be those individuals who participated in Loss of Earning Capacity evaluations at Cascade Disability Management, Inc. in Eau Claire, Wisconsin during the years of 1996, 1997, 1998 and 1999. The exact size of the population is 341 cases, however one subject was determined ineligible, based on the advice of the thesis advisor, as the earnings for this person were extremely high and the results would be skewed. As described in chapter two, only unscheduled injuries are applicable to loss of earning capacity. Other unscheduled injuries will be excluded from this study as they make up such a small sample of the entire population studied.

Instrumentation

The instrument to be used for data collection has been titled the Anecdotal Data Collection Form. The information necessary to complete the instrument will come from each of the archival cases that apply at Cascade Disability Management during the years specified. The data that will come from these cases will include gender, age at the time of injury, type of

occupation, level of education, loss of earning capacity (developed as a loss of dollar value per hour worked or by taking the estimated percent loss of earning capacity multiplied by the hourly wage of the claimant at the time of injury), the nature of the injury and wage at the time of injury. The type of injury in all these cases will be back injuries.

Procedures

The final reports completed by Cascade Disability Management for each person in the sample will be reviewed. The opinions of the Vocational Expert that authored the report will be used. Information described in the Instrumentation section above will also be gathered. No identifying information will be collected and data collection forms will be kept under lock and key until results are completed.

Data Analysis

Educational level and loss of earning capacity will be compared. This information will also be compared with other factors (sex, age at the time of injury and type of occupation, the nature of the injury and the individual's wage at the time of the injury) to provide a more thorough analysis of the factors included in a loss of earning capacity. Descriptive data will be gathered including: mean age, mean wage, mean wage loss and frequency of gender. The mean wage and mean loss of income will be evaluated with a t test to determine significance. Furthermore, the average education will be compared with the loss of earnings through a correlation to determine the relationship between level of education and wage loss.

Limitations of Study

One limitation of this study is that the sample is not representative of all the loss of earning capacity claimants in Wisconsin. The sample is restricted to those claimants seen by

Rehabilitation Counselors from Cascade Disability Management's Eau Claire, Wisconsin office for the years of 1996 to 1999.

Permission

Permission for this study has been granted by Cascade Disability Management (see attached letter).

CHAPTER FOUR

Results

Data was collected utilizing the Anecdotal Data Collection Tool. The total size of the sample was 340 (after excluding the subject with the occupation and wage which was much different from the remainder of the sample population). Of these 190 (55.9 percent) were men with the remaining 150 (44.1 percent) being women. The ages of persons in the sample ranged from 19 to 74. The mean age of the men sampled was 39.56 (SD 10.53) with the mean age of women being 41.68 (SD 10.63).

AGE	MALE	FEMALE	TOTAL
16-24	10	7	17
25-29	20	13	33
30-34	39	20	59
35-39	37	29	66
40-44	26	23	49
45-49	27	15	42
50-54	9	24	33
55-59	12	13	25
60-64	8	4	12
65-69	1	1	2
70-74	1	1	2
		TOTAL	340

The years of education of all cases sampled fell into a range of 7 to 20. In this study, a person who had the equivalent of 12 years of education was also considered a high school graduate. Of the total sample, 144, or 42.4 percent, had 12 years of education. A total of 103, or 30.3 percent had education less than 12 years with the remaining 93 claimants, or 27.4 percent of the sampled population having more than 12 years of education.

Wages for the sample ranged from $2.50 per hour to $22.50 per hour. The mean wage equalled $9.8486 (SD 3.7822). The loss of earning capacity ranged from $0 to $12.69 per hour worked. The mean of all loss of earning capacity claimants was 2.4416 (SD 2.7321).

All injuries were considered as unscheduled back injuries such as disc herniations, pinched nerves, etc. The types of injuries included in the sample, as previously described, can be broken down as follows:

TYPE OF INJURY	NUMBER	PERCENT
CERVICAL	65	19.1
CERVICAL/LUMBAR	27	7.9
CERVICAL/THORACIC	6	1.8
CERV/THOR/LUM	9	2.6
LUMBAR	225	66.2
THORACIC	4	1.2
THORACIC/LUMBAR	4	1.2

A comparison was made between wage at the time of injury and level of education. This correlation was found not to be very significant (r = 0.196).

CORRELATIONS

		WAGE	EDUCATION
Wage	Pearson Correlation	1.000	.196**
	Sig. (2-tailed)	.	.000
	N	340	340
Edu	Pearson Correlation	.196**	1.000
	Sig. (2-tailed)	.000	.
	N	340	340

**Correlation is significant at the 0.01 level (2-tailed).

A relatively strong correlation (r = 0.618) was found between wage at the time of injury and estimated loss of earning capacity.

Correlations

		WAGE	LOEC
Wage	Pearson Correlation	1.000	.618**
	Sig. (2-tailed)	.	.000
	N	340	340
LOEC	Pearson Correlation	.618**	1.000
	Sig. (2-tailed)	.000	.
	N	340	340

**Correlation is significant at the 0.01 level (2-tailed).

To further break this down, males had a correlation of r = 0.634 and females showed a significant difference from males with r = 0.474.

This study set out to correlate a person's level of education with their estimated loss of earning capacity. A slightly negative correlation of r = -0.109 related to education and loss of earning capacity was found. In other words, there was no real loss of earning capacity associated with the wage earned after the injury. The relationship indicates in this case that the claimant actually made more money post-injury than prior to the injury.

		EDU	LOEC
Edu	Pearson Correlation	1.000	-.109*
	Sig. (2-tailed)	.	.045
	N	340	340
LOEC	Pearson Correlation	-.109*	1.000
	Sig. (2-tailed)	.045	.
	N	340	340

*Correlation is significant at the 0.05 level (2-tailed).

These results have allowed us to accept the null hypothesis, significant at the .05 level. In other words, it was discovered that in this study, there is no statistically significant correlation between educational level and level of loss of earning capacity for Worker's Compensation claimants as investigated through the Cascade Disability Management office in Eau Claire, Wisconsin.

CHAPTER FIVE

Conclusions and Recommendations

This study showed no real significant correlation between wage at the time of injury and level of education. In other words, a person with a higher level of education will not necessarily have a higher loss of earning capacity post-injury and vice versa a person with less education will not necessarily have a lower loss of earning capacity post-injury. The results of the data collected in this study did coincide with the Grimes study as described in Chapter two, where it was determined that the more education a person had, the greater their annual earnings would be.

The subjects in this study were primarily from the Western half of Wisconsin. The types of jobs typically held by the subjects in this study were: nursing assistants, production/assembly workers, truck or delivery drivers, other medical professionals (Licensed Practical Nurses or Registered Nurses), administrative assistants, welder/fabricators, machinists, maintenance workers and food service workers (including cooks and wait staff).

A fairly significant positive correlation was found between wage at the time of injury and the level of loss of earning capacity.

When broken down by gender, the correlation between wage and loss of earning capacity for males was slightly larger than that of females. This may be in part due to the sample of males was slightly larger than females (190 vs. 150). It can be said that males typically earn higher wages than females and thus there is more of a potential for a higher loss of earning capacity. Similarly, the Menninger study as described in Chapter two found that men were more likely to be injured than women.

Relatively no correlation was found between level of education and loss of earning capacity. Using 12 years of education as a benchmark, the tendency of increased loss of earning capacity leaned a bit more toward those with less than 12 years of education, but not enough to be of significance.

This difference can be attributed to those subjects in the sample that had less than 12 years of education and worked in heavy laboring positions, generally within a union. These subjects were slightly more likely to earn higher wages than those subjects with more than a 12 year education, thus more of a likelihood of increased loss of earning capacity. The lack of education contributes to the loss of earning capacity as the injured worker is unlikely to quickly return to work in a less strenuous position.

When compared to the Menninger study as described in Chapter two, this study found the mean age of loss of earning capacity claimants to be 40.49 years, while Worker's Compensation clients in the Menninger study had a mean age of 37.5 years. This study found the mean level of education to be 12.07 years with the mean education in the Menninger study found to be 11.6 years.

The results of this study allowed acceptance of the null hypothesis.

A similar study done in a more metropolitan area would potentially produce similar results, but nonetheless would be interesting to replicate to determine if geographical area influences the results of this study. The subjects in this study were located in northwest, westcentral and southwestern areas of Wisconsin. A more urban area, such as Milwaukee, Wisconsin may show different results due to the labor market differences. This study may have produced different results if it included loss of earning capacity claimants from all areas of

Wisconsin instead of being isolated to those claimants seen in only the Eau Claire, Wisconsin Cascade Disability Management office.

This project has helped to define what, if any, differences exist between the educational attainment of a person and the potential loss of earning capacity they may incur should they have a work related injury. Published research has found that the higher the educational level of a person, the higher the wage they should earn. This study did not find this to necessarily be true. This may be due in part to labor market trends in Wisconsin and the established wages at the areas of Wisconsin that were surveyed.

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ANECDOTAL DATA COLLECTION TOOL

INJURY:_____

WAGE AT THE TIME OF INJURY:_____

LEVEL OF EDUCATION (IN YEARS):_____

ESTIMATED LOSS OF EARNING CAPACITY (PERCENT):_____

OCCUPATION_____

AGE AT THE TIME OF INJURY:_____

MALE:_____ FEMALE:_____

Letter of permission to use data from Cascade Disability Management included here.

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CASCADE
DISABILITY MANAGEMENT, INC.

4601 N.E. 77th Ave., Suite 250
Vancouver, WA 98662
(360) 892-8855 / (800) 234-8011
Fax: (360) 892-4980

March 13, 2000

Robert Peters, Ph.D.
Graduate Program Director
University of Wisconsin - Stout
Menomonie, WI 54751

Re: Chris Olson

Dear Dr Peters,

As an employee of Cascade Disability Management, Chris Olson is granted permission to review and analyze demographic data contained in client files in Cascade's Eau Claire office. Data pertaining to pre-injury wage, estimated loss of earning capacity, education, injury type, age, gender, and occupation may be utilized, but no reference to client identity may be made. Ms. Olson is responsible for maintaining and protecting the confidentiality of all clients.

Analysis and reporting of case data is limited to the items outlined in the above paragraph. Analysis or review of any other data will require additional discussion with the Cascade Supervisor and permission.

If you have any questions please give me a call at 1-800-234-8011

Sincerely,

David B. Griffiths M.Ed., C.R.C.
Director of Staff Development

Cc: Chris Olson, Ron Raketti, AVP, Personnel file