

NUZZO & ROBERTS

NEWSLETTER

July 2025

CHANGES TO THE WORKERS' COMPENSATION ACT UNDER PUBLIC ACT NO. 25-12

EFFECTIVE JULY 1, 2025

Nuzzo & Roberts, LLC Workers' Compensation Email Blast regarding updated statutes as of July 1, 2025.

The post-Gardner limiting of temporary partial disability benefits once a claimant has reached Maximum Medical Improvement:

As you may already know, the Connecticut Supreme Court decision in *Gardner v. Department of Mental Health and Addiction Services*, 351 Conn. 488 (2025), interpreted the existing statute governing Temporary Partial Disability benefits in a different light than the commonly-held interpretation from the Workers' Compensation Commission Administrative Law Judges and greatly expanded the number of weeks of temporary partial disability benefits available to an injured worker. Due to the practical impact this interpretation would have had on the ability for employers to do business in the state, a legislative remedy was expeditiously pursued. As a result, the legislature introduced provisions in the budget bill, Public Act No. 25-12 to amend

certain sections of the Workers' Compensation Act.

In direct response to the *Gardner* decision, the legislature amended the text of Connecticut General Statutes § 31-308(b) to read that instead of stating “. . . the administrative law judge may, in the administrative law judge's discretion, in lieu of other compensation, award to the injured employee the proportion of the sum provided in this subsection...” [emphasis added] upon the claimant reaching Maximum Medical Improvement, “. . . the administrative law judge shall, in lieu of other compensation, award to the injured employee the proportion of the sum provided in this subsection...” [emphasis added]. Simply put, the Administrative Law Judge does not have discretion to award Temporary Partial Disability benefits when a claimant reaches Maximum Medical Improvement. The Judge's discretion is limited to awarding Permanent Partial Disability benefits (if the claimant has a work capacity) or Total Disability benefits (if the claimant reaches Maximum Medical Improvement with no work capacity).

The Administrative Law Judge retains discretion to determine whether the claimant has actually reached Maximum Medical Improvement, whether they have a work capacity, whether a Form 36 should be approved, etc. Please note that this only

applies to claims filed after the 1993 amendments to the Act.

Potentially increased availability of Connecticut General Statutes § 31-308a benefits to claimants engaged in Vocational Rehabilitation:

Public Act No. 25-12 also increased the availability of post-specific Conn C.G.S. § 31-308a benefits in certain circumstances. C.G.S. § 31-308a benefits are a wage-loss benefit available at the discretion of Administrative Law Judge. They are available after the Permanent Partial Disability has been paid out and (after the 1993 changes to the law) the benefits were capped at an equal amount of weeks as the Permanent Partial Disability rating(s) paid to the claimant. The claimant must have permanent work restrictions and must be ready, willing and able to work in Connecticut to qualify for C.G.S. § 31-308a benefits.

Public Act 21-12 indicates: “(c) In addition to the benefits available under subsection (a) of this section, supplemental benefits shall be available to an injured employee who (1) following the receipt of benefits under subsection (a) of this section, remains unable to perform the employee's usual work, and (2) is actively engaged in a vocational rehabilitation service or equivalent program, or has completed such service or program. As used in this subsection, ‘supplemental benefits’ means not more than sixty weeks of benefits under this section, including the benefits previously awarded under subsection (a) of this section.”

Therefore, if a claimant is actively pursuing vocational rehabilitation, he or she could obtain up to a total sixty weeks of benefits, less any C.G.S. § 31-308a benefits paid prior to that time, even if they would not otherwise be entitled to sixty weeks of benefits based on the number of weeks of Permanent Partial Disability they were previously paid.

Additional Miscellaneous Provisions of Public Act No. 25-12:

- Increased Cervical Spine Permanent Partial Disability: The number of weeks for a cervical (neck) injury increased significantly from 117 weeks to **208 weeks**. This will lead to higher Permanent Partial Disability awards for neck injuries.
- New Scheduled Body Parts: The Act now includes specific Permanent Partial Disability schedules for additional body parts:
 - **Esophagus:** 180 weeks
 - **Intestinal Tract:** 347 weeks
- Expansion of Death Benefits: In cases where a deceased claimant had no one wholly dependent upon them (e.g., no spouse or dependent children), the death benefit can now be divided evenly among the **parents of the decedent for not more than 312 weeks**. Previously, benefits were limited to funeral expenses in such scenarios.

- Total Disability Benefits Upon Reaching Maximum Medical Improvement: If a claimant reaches Maximum Medical Improvement but has no work capacity, the Administrative Law Judge must award ongoing Total Disability benefits. The Judge does not have the discretion to award Permanent Partial Disability or Temporary Partial Disability. The parties can still litigate whether the claimant is Temporarily Totally Disabled or Permanently Totally Disabled.
- Retroactivity: It appears these changes apply retroactively to dates of injury on or after July 1, 1993, **except** for the new provisions concerning permanent partial disability ratings, which appear to apply only to dates of injury on or after July 1, 2025. Further guidance on this issue may be required, and we will provide additional updates upon receipt.
- Other Notes:
 - The bill also created a **working group** to study and recommend improvements to rehabilitation services available to injured employees.
 - It made various deficiency appropriations for the fiscal year ending June 30, 2025, which is why the workers' compensation amendments were included in this broader appropriations bill.

WHEN IN DOUBT, CALL US

We are only a phone call away. If you have any questions, call us!

Contact David J. Weil at dweil@nuzzo-roberts.com, Jason K. Matthews at jmatthews@nuzzo-roberts.com, James P. Henke at jhenke@nuzzo-roberts.com, Michael D. Randall at mrandall@nuzzo-roberts.com, Michael J. McAuliffe at mmcauliffe@nuzzo-roberts.com, Laura Kritzman at lkritzman@nuzzo-roberts.com, Kathleen M. Loubier at kloubier@nuzzo-roberts.com

NUZZO & ROBERTS, L.L.C.
P.O. Box 747,
One Town Center
Cheshire, CT 06410
Phone: (203) 250-2000
Fax: (203) 250-3131
or www.nuzzo-roberts.com