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LIFE PENSION FINDING BY THE WORKERS' COMPENSATION APPEALS BOARD

BY: SCOTT A. O'MARA

The California worker has the potential to be granted a Pension from the Workers' Compensation Appeals Board (WCAB) determination. This Pension is separate and distinct from his/her retirement system that exists relative to whom the employer is whether it be the State, County, City or another Municipality. The typical retirement systems are the CalPERS, County 1937 Act, Municipality these governmental entities which set forth the standards for granting the retirement under their system. These systems also acknowledge that the worker, by the nature of the job-related injury, may have an additional Pension system that they can garner protection from. The California Constitution created a comprehensive Workers' Compensation System to compensate the injured worker for a job related injury that the worker suffers from. The protection can be medical care to cure or relieve, it can be payment for time off work relative to the job related injury and payment for residual impairment that may exist after the worker has undergone treatment.

If there is a finding of a disability of 70% or greater under the Workers' Compensation System, the Workers' Compensation System has an ancillary significant benefit called the Pension. This Pension system within the Workers' Compensation jurisdiction recognizes the injured worker will need to learn to adapt their lifestyle in many situations and this will be a restrictive impact on their employment opportunities. The adaptation of lifestyle acknowledges the impact on the employment opportunities is a significant change on the level of disability. If the level of disability established by the body parts utilizing the age, occupation, limit of apportionment (if any), is 70% or greater the worker is entitled to a Pension under the Workers' Compensation System. This Pension is a lifelong benefit determined by the Workers' Compensation System, which is separate and distinct from any retirement system that the worker may have from their employer, State, County, City or other Municipalities.

The Workers' Compensation Pension threshold requires a finding of 70% or greater of permanent disability. The monies that are paid out are not subject to taxation by either the Federal or the State systems. The amount of permanent disability is controlled by the findings of the disability to the injured worker and the payment is based upon the level of permanent disability. There is a major element that controls some cases. The factor is if the worker has a Permanent Total Disability. If the injured worker is permanently precluded from the open labor market there would be a substantial increase in payment by the Workers' Compensation System. The finding of Permanent Total Disability acknowledges the highest level of impact on their life.

As of 09/18/2026:

70% disability, Life Pension \$4,031.00 per year - - Partial Disability (5 years from date of injury to reopen for more disability)

80% disability, Life Pension \$8,061.00 per year - - Partial Disability (5 years from date of injury to reopen for more disability)

