



**BLEAKLEY
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MICHIGAN WORKERS' COMPENSATION UPDATE

January 26, 2019

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**NEW MILEAGE ALLOWANCE, STATE AVERAGE WEEKLY WAGE,
AND MAXIMUM INDEMNITY RATE**

As of January 1, 2019, the State of Michigan mileage reimbursement rate rose to 58 cents per mile from 54.5 cents per mile in 2018. This mirrors the IRS mileage allowance. The lodging allowance also rose from \$75 to \$85 per night.

Further, note that the Agency has calculated the state average weekly wage for 2019 at \$1,022.92, resulting in a \$921 maximum weekly indemnity rate. The maximum rate was \$900 in 2018 and \$870 in 2017. These new figures apply to all dates of injury from January 1, 2019, onward.

NEW MICHIGAN MAGISTRATE APPOINTMENTS!

Seven of our Michigan Workers' Compensation magistrates' terms have expired as of January 26, 2019. Chief Magistrate Lisa Klaeren, longtime Detroit Magistrate Beatrice Logan, and Pontiac Magistrate Brian Boyle will no longer serve as magistrates.

Magistrate **Chris Slater** has been reappointed by Michigan's new Governor Gretchen Whitmer to a term ending January 26, 2023. He previously practiced workers' compensation law representing employees. Magistrate Slater was initially appointed to the Michigan Board of Magistrates by Governor Rick Snyder in January 2011.

Magistrate **E. Louis Ognisanti** worked as a defense attorney with the Saginaw firm of Braun Kendrick before being appointed by Governor Snyder in January 2011. He has now been appointed to a third term by new Governor Whitmer. Magistrate Ognisanti hears cases in Saginaw and Pontiac.

New Magistrate **David DeGraw** previously worked for the Grand Rapids firm of Smith, Haughey, Rice, and Roegge defending workers' compensation claims before serving on the Michigan Compensation Appellate Commission. Magistrate DeGraw has now been appointed Magistrate by Governor Whitmer for a term expiring in January 26, 2023. He will hear cases in Okemos and Kalamazoo.

Magistrate **David Grunewald** has been reappointed to a term that expires in January 26, 2023, after being appointed in 2015. He presides at the Detroit Workers' Compensation Agency.

Magistrate **Luke McMurray** has also been reappointed by Governor Whitmer, after initially taking the bench in 2015. He sits at the Saginaw Workers' Compensation Agency.

Attorney **Phillip Della Santina** has been appointed as a new Magistrate by Governor Whitmer to a term ending January 26, 2023. He practiced in the Saginaw area representing employees. Magistrate Della Santina will preside in Pontiac.

Finally, **Magistrate Michael Heck**, our other new Magistrate, has been appointed to a term expiring in January 2023. Magistrate Heck long represented employees on workers' compensation matters throughout southeast Michigan.

WORK COMP 101

Travel Allowance

2019 – 58 cents per mile

2018 - 54.5 cents per mile

2017 - 53.5cents per mile

Indemnity 2019

SAWW: \$1,022.92

Maximum Rate: \$921.00

2/3 SAWW: \$681.95 value of discontinued fringe benefits may not raise above this.

Medical Direction

Carrier/employer may direct care for up to 28 days from the *inception of care* after a claim is made. After 28 days, the employee can direct care. Employee must give notice of desire to go to physician of own choosing.

Penalties

Carrier/employer must pay or deny medical bill within 30 days of receipt. Otherwise liable for penalty of \$50 day.

UPCOMING WORKERS' COMPENSATION SEMINARS

Our annual Michigan Workers' Compensation seminar in Grand Rapids will be held on the morning of Friday, March 15, 2019, at Kent Country Club. Look for formal invitations shortly. You can register by calling 616-774-2131.

Our annual Detroit-area seminar will be held Friday morning April 26, 2019, at the Novi Double Tree. Formal invitations will be forthcoming.

We appreciate your business and welcome comments or questions of any type. Feel free to reach out to any of our attorneys.