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MICHIGAN WORKERS' COMPENSATION LEGAL TRENDS

January 2021

NEW YEAR, NEW CHANGES

This January brought numerous changes to the Board of Magistrates. Governor Gretchen Whitmer has appointed long-time workers' compensation plaintiff attorneys Richard (Rick) Ehrlich, Lenny Segel, and Kevin Kales as new Magistrates for four year terms beginning February 1, 2021. In addition, Lisa Woons, Bill Housefield, Dave Williams, and Keith Castora were reappointed. Magistrates Robert Timmons, John Sims, and Jane Colombo were not reappointed. Please see below for an overview of the newly appointed Magistrates.

We also have a new mileage rate and a new \$975 maximum indemnity/wage loss rate which provides a higher ceiling for the inclusion of fringe benefits. Please see below for more information.

NEW MAGISTRATE: RICHARD J. EHRlich

On January 26, 2021, Governor Gretchen Whitmer appointed Richard J. Ehrlich of Detroit, Michigan to the Workers' Compensation Board of Magistrates. Magistrate Ehrlich will serve a four-year term expiring January 26, 2025. We expect that Magistrate Ehrlich will serve in the Detroit Agency, although that has yet to be confirmed.

Magistrate Ehrlich is a graduate of Wayne State University, initially earning his BA before graduating from law school in 1976. Rick joined the law firm of Zamler, Shiffman & Karfis, P.C. in 1979 working as a workers' compensation attorney.

Many of you may be familiar with Attorney Ehrlich as he has spent roughly forty years representing employees in the workers' compensation arena – primarily in the Detroit and Pontiac Agencies. We will monitor Magistrate Ehrlich's tendencies as he takes the bench, given his long history as a plaintiff's attorney, and keep you advised.



NEW MAGISTRATE: LENNY SEGEL

On January 26, 2021, Governor Whitmer also appointed Lenny Segel of Detroit, Michigan to the Workers' Compensation Board of Magistrates. Magistrate Segel will serve a four-year term expiring January 26, 2025

Magistrate Segel has been a practicing attorney in the State of Michigan for over 30 years, representing employees in workers' compensation litigation. He has been a member of the Michigan Trial Lawyers Association, now known as the Michigan Association for Justice, for his entire career.

A former member of the Teamsters' Union, as well as a former attorney for UAW Local 7 for the Chrysler Jefferson Avenue Plant, he devoted his practice to representing individuals on Workers' Compensation and Social Security Disability claims in southeast Michigan. Given Magistrate Segel's long history as an employee advocate, we expect him to lean in that direction as a magistrate.

NEW MAGISTRATE: KEVIN P. KALES

Kevin P. Kales of Royal Oak, Michigan was appointed by Governor Whitmer to the Workers' Compensation Board of Magistrates on January 26, 2021. Magistrates Kales will serve a four-year term expiring January 26, 2025. Much like Magistrates Ehrlich and Segel, Magistrate Kales has practiced primarily Social Security Disability and Workers' Compensation Law as a plaintiff representative for most of his career.

It is expected that Magistrate Kales will preside in the Detroit Agency, although we will confirm same.

Mileage Rate: The Department of Technology, Management and Budget has advised that the mileage rate has decreased slightly from \$0.575 to **\$0.56 per mile, effective January 1, 2021.**

New Maximum Rate: The Bureau of Labor Market Information and Strategic Initiatives has reported the state average weekly wage is \$1,083.33. In accordance with Section 418.355(2) of the Workers' Disability Compensation Act, the 2021 maximum weekly wage loss/indemnity benefit, based on 90% of that state average weekly wage, is **\$975.00.** The discontinued fringe benefit ceiling has increased to **\$722.22.**

This newsletter is meant to highlight developments in the workers' compensation arena and to elaborate on general concepts. If you would like to discuss in more detail these issues or any other issue, please do not hesitate to contact any of the attorneys at Bleakley, Cypher, Parent, Warren & Quinn, P.C., directly.

Contact Us

120 Ionia Avenue SW
Suite 300
Grand Rapids, MI 49503
616/774-2131
www.bcpwq.com