

***Superseded 7/1/2018***

**34A-2-411 Temporary partial disability -- Amount of payments.**

- (1) If the injury causes temporary partial disability for work, the employee shall receive weekly compensation equal to:
  - (a) 66-2/3% of the difference between the employee's average weekly wages before the accident and the weekly wages the employee is able to earn after the accident, but not more than 100% of the state average weekly wage at the time of injury; plus
  - (b) \$5 for a dependent spouse and \$5 for each dependent child under the age of 18 years, up to a maximum of four such dependent children, but only up to a total weekly compensation that does not exceed 100% of the state average weekly wage at the time of injury.
- (2) The commission may order an award for temporary partial disability for work at any time prior to 12 years after the date of the injury to an employee:
  - (a) whose physical condition resulting from the injury is not finally healed and fixed 12 years after the date of injury; and
  - (b) who files an application for hearing under Section 34A-2-417.
- (3) The duration of weekly payments may not exceed 312 weeks nor continue more than 12 years after the date of the injury. Payments shall terminate when the disability ends or the injured employee dies.