



State of Washington
DEPARTMENT OF LABOR AND INDUSTRIES

September 4, 2008

To: All Self Insured Employers and Third Party Administrators

From: Jean M. Vanek, Self Insurance Program Manager

Subject: Termination for Cause and Entitlement to LEP/Time Loss

Injured workers who are medically certified as temporarily totally disabled (TTD) due to the industrial injury are entitled to time loss compensation even if the injured worker is terminated for cause.

Injured workers who have returned to light duty employment pursuant to RCW 51.32.090(4) and are subsequently terminated for cause, are not entitled to loss of earning power or time loss compensation. Termination for cause must be for actions occurring during the light duty employment and not retroactively (i.e. the worker failed a drug test that was prior to returning to work).

Benefits should be resumed if the medical condition changes and the worker is certified as TTD or the restrictions increase beyond the approved light duty employment.