17. LOSS CONDITION CODE

Report the applicable code corresponding to the Act, Type of Loss, Type of Recovery, Type of Claim, and Type of Settlement for each individual claim.

An accident resulting in an injury to one worker with payments made under different coverages of the policy must be reported as **one** claim with all of the incurred amounts combined.

Example: If the entire loss is incurred under the provisions of both Part One and Part Two of the Workers' Compensation and Employers' Liability Insurance policy, the claim would be coded to Type of Claim (03) Workers' Compensation, including Employers' Liability. Refer to section (d) of this Part, Type of Claim, within this section.

General definitions of the loss conditions follow:

a.
Act

- **State Act or Federal Act Excluding USL & HW – Code 01**

  A claim with benefits determined according to the state workers' compensation law or federal compensation laws, excluding United States Longshore and Harbor Workers' Compensation Act.

- **USL & HW F-Classifications and USL & HW Coverage on Non-F Classifications – Code 02**

  A claim with benefits determined according to the United States Longshore and Harbor Workers' Compensation Act.

b.
Type of Loss

- **Trauma – Code 01**

  An injury resulting in disability or death that is traceable to a definite compensable accident occurring during the employee's present or past employment. A traumatic injury cannot be classified as either a Cumulative Injury or an Occupational Disease Loss as defined below.

- **Occupational Disease – Code 02**

  Any abnormal condition or disorder other than a workplace injury resulting in a disability or death that is not traceable to a definite compensable accident occurring during the employee's present or past employment. Any injury caused by repetitive exposure extending over time to a disease-producing agent or agents present in the worker's occupational environment.

Example: A granite worker presents a claim for the occupational disease of silicosis due to exposure to the disease agent silica.

In order for a claim to be coded as an occupational disease case, it must have resulted from repetitive exposure extending over time. Claims that arise from single identifiable incidents should be coded as Trauma even though they may have been caused by inhalation, absorption, ingestion or other environmental factors.

- **Cumulative Injury Other Than Disease – Code 03**

  An injury that results in a disability or death and is not traceable to a definite compensable accident occurring during the employee's present or past employment. The injury is understood to have occurred from, and has been aggravated by, a repetitive employment-related activity.

  Example: A cement mason or carpet installer presents a claim for injury to the knee caused by repetitive bending and kneeling on the job.

c.

Type of Recovery

- **No Recovery – Code 01**
- **Subrogation Only (Third Party) Code – 03**

  A recovery that occurs when the carrier has received reimbursements from an entity, other than the employer, with legal liability due to circumstances for the injury.

  Refer to Item (10) of this Part regarding recoveries from subrogation and other third parties.

d.

Type of Claim

- **Workers' Compensation Only – Code 01**

  The entire loss is incurred under the provisions of Part One of the Workers' Compensation and Employers' Liability Insurance Policy

- **Employers' Liability Only – Code 02**

  The entire loss is incurred under the provisions of Part Two of the Workers' Compensation and Employers' Liability Insurance Policy.

- **Workers' Compensation Including Employers' Liability or Liability-Over – Code 03**

  The loss is incurred under the provisions of Parts One and Two of the Workers' Compensation and Employers' Liability Insurance Policy.

- **Liability Over – Code 04**

  A particular Employers' Liability coverage situation where a third party, who is being sued by an employee, in turn sues the employer on the grounds of negligence, or like theory.

  Example: A person operating a drill press is injured, and, although the injury is compensable, the worker brings suit against the manufacturer of the drill press on the grounds of faulty design or manufacture. The manufacturer then succeeds in suing the employer for damages on the grounds of faulty installation or maintenance of the drill press. The damages thus incurred to the

employer, if covered under his workers' compensation policy, are classified as liability-over, and are in addition to compensation payments made to the injured employee.

e. Type of Settlement

Identify the type of settlement for the claim.

- **Claim Not Subject to Settlement – Code 00**
- **Section 32 Settlement – Code 03**

  The claim has been settled under Section 32 of the New York State Workers' Compensation Law. Code 03 is applicable to both closed claims and to open claims even when only a portion of the claim is subject to a Section 32 settlement.

- **Dismissal or Take Nothing (Non-compensable) – Code 05**

  The claim meets one or more of the following:

  - Official ruling denying benefits on the entire claim.
  - Claimant's failure to file for benefits and no claim is established by the New York State Workers' Compensation Board.
  - Claimant's failure to prosecute claim following carrier's denial of the claim as of the valuation date of the claim.
  - No reimbursement is sought for care provided within six months of the date the claim is filed and the claim has not been established by the New York State Workers' Compensation Board.

- **All Other Settlements – Code 09**