

U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
Office of Workmen's Compensation Programs

Washington, D.C. 20211

September 28, 1973

TO: INSURANCE CARRIERS AND SELF-INSURED EMPLOYERS  
UNDER THE LONGSHOREMEN'S AND HARBOR WORKERS'  
COMPENSATION ACT, AS AMENDED



SUBJECT: Maximum and Minimum Compensation Rates Effective  
October 1, 1973; Adjustments of Permanent Total  
Disability and Death Cases

Section 6(b)(3) of the Longshoremen's and Harbor Workers'  
Compensation Act, added by P.L. 92-576, which was enacted  
October 27, 1972, states:

"(3) As soon as practicable after June 30 of  
each year, and in any event prior to October 1  
of such year, the Secretary shall determine the  
National average weekly wage for the three  
consecutive calendar quarters ending June 30.  
Such determination shall be the applicable  
national average weekly wage for the period  
beginning with October 1 of that year and  
ending with September 30 of the next year..."

Section 6(b)(1)(B) of the amended Act states that compen-  
sation for disability during the period beginning October 1,  
1973, and ending September 30, 1974, shall not exceed 150  
percent of the national average weekly wage as determined  
by the Secretary under paragraph (3), quoted above.

The national average weekly wage for the period beginning  
October 1, 1973, for adjustments and computations related  
to this figure, has been determined to be \$140.36. The  
maximum compensation rate for total disability for injuries  
sustained during the period from October 1, 1973, to  
September 30, 1974, inclusive, and for benefits payable for  
deaths occurring within this applicable period (Section 9)  
is \$210.54 (1.50 times \$140.36).

Compensation for disability or death benefits subject to  
this maximum should be paid at 66 2/3 percent of the  
employee's average weekly wage as determined under section 10,  
subject to the foregoing limitation. In death cases where  
there is a widow and one or more children, and 66 2/3 percent of  
the employee's wages exceed the maximum allowable, the total  
benefit shall be limited to \$210.54, the widow being entitled  
to three-fourths of that amount and the child or children to  
one-fourth of the benefit.


The minimum compensation rate payable for disability incurred in the above period is \$70.18 per week, one-half the national average weekly wage, except that if an employee's average weekly wage is less than this amount, he shall receive his average weekly wage as compensation for total disability.

In computing death benefits covered by this applicable period [section 9(e)] the average weekly wage of the deceased employee shall be considered to have been not less than \$140.36 per week, but total weekly benefits shall not exceed the average weekly wages of the deceased.

The foregoing maximum and minimum rates are not applicable to employees covered by the Nonappropriated Fund Instrumentalities Act [see section 6(c)].

Effective October 1, 1973, compensation or death benefits payable for permanent total disability or death arising out of injuries sustained after October 27, 1972 (date of enactment of P.L. 92-576), and prior to October 1, 1973, shall be increased by 6.49 percent. [This increase is provided under section 10(f) of the amended Act, and represents the percentage by which the national average weekly wage under section 6(b)(1)(B) exceeds that under 6(b)(1)(A).] The weekly compensation after adjustment shall be fixed at the nearest dollar, and no adjustment of less than \$1 shall be made. In no event shall compensation for death benefits be reduced.

Please bring the above information to the attention of your field or district offices responsible for paying benefits under the Longshoremen's and Harbor Workers' Compensation Act, the District of Columbia Workmen's Compensation Act, the Defense Base Act, and the Outer Continental Shelf Lands Act. In case of questions about implementing these mandatory adjustments, any district office or the national office of the Office of Workmen's Compensation Programs may be contacted.

  
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