



MISSISSIPPI WORKERS' COMPENSATION QUICK REFERENCE GUIDE 2026

WAITING PERIOD: No compensation except medical benefits shall be allowed for the first 5 days of the disability. If the injury results in disability of 14 days or more (including non-consecutive days), the compensation shall be allowed from the date of disability.

- If an injury results in lost time in excess of the waiting period, a First Report of Injury must be filed with the MWCC within ten (10) days, per Miss. Code Ann. §71-3-67.

DAILY RATE OF COMPENSATION: Based on a five day work week. MWCC Rule 1.10.

STATUTE OF LIMITATIONS:

- A. **Two-year statute:** Regardless of whether notice was received, if no payment of compensation (other than medical treatment or burial expense) is made and no application for benefits filed with the commission within two years from the date of the injury or death, the right to compensation therefor shall be barred. Miss. Code Ann. §71-3-35(1).
- B. **One-year statute:** Upon its own initiative or upon the application of any party in interest on the ground of a *change in conditions or because of a mistake in a determination of fact*, the commission may, at any time prior to one (1) year after date of the last payment of compensation, whether or not a compensation order has been issued, or at any time prior to one (1) year after the rejection of a claim, review a compensation case, issue a new compensation order which may terminate, continue, reinstate, increase, or decrease such compensation, or award compensation. Miss. Code Ann. §71-3-53.
- **MWCC RULE 2.17:** Claimant or his/her attorney **shall** be provided a copy of the B-31 in any manner which acknowledges delivery of the B-31. Claimant's signature is not required on the B-31, but the presence of Claimant's signature will constitute acknowledged delivery. The statute of limitations will begin to run with the filing of the B-31.

COMPENSATION RATE: In Mississippi, the compensation rate is sixty-six and two-thirds percent (66 ⅔%) of the average weekly wage (AWW) of the employee, subject to the maximum limitations as to weekly benefits (see below).

MAXIMUM COMPENSATION RATES:

SCHEDULED MEMBERS:

Eff. Date	Weekly Max	P&T	Maximum Weeks Allowed for PPD					
1/1/16	\$468.63	\$210,883.50	Arm	200	First Finger	35	Great toe	30
1/1/17	\$477.82	\$215,019.00	Leg	175	Second Finger	30	Toe, other	10
1/1/18	\$487.04	\$219,168.00	Hand	150	Third Finger	20	Breast, female, one	50
1/1/19	\$494.48	\$222,516.00	Foot	125	Fourth Finger	15	Breast, female, both	150
1/1/20	\$505.43	\$227,443.50	Eye	100	Testicle, one	50	Loss of Hearing, one	40
1/1/21	\$523.16	\$235,422.00	Thumb	60	Testicle, both	150	Loss of Hearing, both	150
1/1/22	\$551.02	\$247,959.00	80% or more loss of vision: Total loss of eye					
1/1/23	\$585.82	\$263,619.00	Amputated Arm or Leg above wrist or ankle: Total loss of member					
1/1/24	\$608.58	\$273,861.00	>1 Phalange of a digit lost: Loss of entire finger/toe					
1/1/25	\$630.73	\$283,828.50	Loss of multiple digits cannot exceed total loss of hand/foot					
1/1/26	\$654.63	\$294,583.50						

In any case in which there shall be a **loss of, or loss of use of, more than one member or parts of more than one member set forth above**, not amounting to permanent total disability, the award of compensation shall be for the loss of each such member or parts thereof, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, then compensation cannot exceed total loss of the hand or foot. Miss. Code Ann. §71-3-17(c)(26).

FACIAL/HEAD DISFIGUREMENTS: \$5,000 for injuries on and after July 1, 2012. There is a 1 year waiting period.

TEMPORARY TOTAL DISABILITY (TTD): TTD benefits are 66 $\frac{2}{3}$ % of the average weekly wage of the injured employee, subject to the maximum limitations, and shall be paid to the employee during the disability period, not to exceed 450 weeks or an amount greater than the multiple of 450 weeks times 66 $\frac{2}{3}$ % of the average weekly wage for the state. §71-3-17(b).

TEMPORARY PARTIAL DISABILITY (TPD): TPD benefits are 66 $\frac{2}{3}$ % of the difference between the injured employee's average weekly wage before the injury and his wage-earning capacity after the injury in the same or other employment, subject to the maximum limitations as to weekly benefits payable during the continuance of such disability but in no case exceeding 450 weeks or an amount greater than the multiple of 450 weeks times 66 $\frac{2}{3}$ % of the average weekly wage for the state.

PERMANENT PARTIAL DISABILITY (PPD - SCHEDULED MEMBERS): PPD benefits are 66 $\frac{2}{3}$ % of the average weekly wage of the injured employee, subject to the maximum rate as to weekly benefits. Analysis based on industrial loss of use of the scheduled member.

PERMANENT PARTIAL DISABILITY (PPD - BODY AS A WHOLE): For all non-scheduled member injuries, PPD shall be 66 $\frac{2}{3}$ % of the difference between the claimant's pre-injury AWW, subject to the maximum limitations as to weekly benefits, and his post-injury wage earning *capacity* thereafter in the same employment or otherwise, not to exceed 450 weeks. §71-3-17(c)(25).

PERMANENT TOTAL DISABILITY (PTD): PTD benefits are 66 $\frac{2}{3}$ % of the average weekly wage of the injured employee, subject to the maximum limitations as to weekly benefits shall be paid to the employee not to exceed 450 weeks or an amount greater than the multiple of 450 weeks times 66 $\frac{2}{3}$ % of the average weekly wage for the state. §71-3-17(a).

DEATH BENEFITS: (Note: refer to Miss. Code Ann. §71-3-25 for complete coverage re: parents/grandparents, partial dependency, etc.)

For a death arising out of or in the course of employment:

- I. An **immediate sum** of \$1,000 shall be paid to the surviving spouse, in addition to other compensation benefits.
- II. **Funeral expenses** up to \$5,000 for all deaths occurring on/after July 1, 2012, exclusive of other insurance/benefits.
- III. Payment to the **Second Injury Fund** in all cases of death are \$300 if there are survivors, and \$500 if there are not any.
- IV. If there is a surviving spouse and no child of the deceased, the surviving spouse shall receive a sum equivalent to 35% of the deceased's average weekly wage during widowhood or dependent widowhood.
- V. For each dependent child an additional amount of 10% of such wages, provided that the total amount payable shall in no case exceed 66 $\frac{2}{3}$ % of such wages subject to the maximum limitations.
- VI. If there is a surviving child or children, but no surviving spouse, then for the support of each such child 25% of the AWW shall be paid provided that amount does not exceed 66 $\frac{2}{3}$ % of such wages.
- VII. If no surviving spouse or child, or if the amount payable to a surviving spouse and children is less than 66 $\frac{2}{3}$ % of the AWW, then for support of grandchildren or brothers and sisters, if dependent upon the deceased at the time of injury, shall be paid 15% to each, the aggregate not exceeding 66 $\frac{2}{3}$ % of the AWW.

MEDICAL RECORDS: *MWCC RULE 1.9* - Within 20 days of each date of service, all treating/examining physicians SHALL: 1) File CMS 1500 with MWCC and employer/carrier; and 2) Attach office notes to CMS 1500 and state date of MMI, any permanent partial impairment rating, and any permanent work restrictions. A physician's failure to timely file complete reports MAY result in the claim for treatment being unenforceable against E/C unless excused by ALJ or MWCC.

MEDICAL TREATMENT: Employer shall furnish medical treatment for such period as the nature of the injury or the process of recovery may require. Injured employee has the right to accept the services furnished by the employer or to choose one physician of his choice and such other specialists to whom he is referred by his chosen physician. Referrals by the chosen physician shall be limited to one physician within a specialty area. Except in an emergency situation where immediate attention is necessary, any additional selection of physicians by the injured employee must be approved by the employer/carrier. Should the employer desire, he may have the employee examined by a physician of his choice. If the employee refuses to submit to such examination, the Commission may order suspension of payment of any further compensation as such refusal continues, after a proper Motion, Hearing and Order is entered.

MILEAGE REIMBURSEMENT: *72.5¢ a mile on/after January 1, 2026.* Per Rule 1.14, Employer/Carrier shall pay mileage at the authorized rate to: a) witnesses subpoenaed for proceeding before Commission or deposition; b) claimant being interviewed by Commission or ALJ for settlement/lump sum payment; and c) to claimant's requiring medical treatment. Mileage must be paid promptly without "unreasonable delay." Failure to pay mileage within 30 days of receipt of request for reimbursement may subject payer to attorney's fees and penalty of up to \$10,000.00, per Miss. Code Ann. § 71-3-59. Mileage must be pre-paid for any EME/IME (Rule 1.9).

COMMISSION WEBSITE: <http://www.mwcc.state.ms.us/>

COMMISSION LUMP SUM CALCULATOR: