

What Is a Schedule Loss of Use Award in New York and How Is It Calculated?

Our attorneys explain what injured workers need to know

A permanent injury sustained at work can follow you long after the swelling goes down, the cast comes off, or the surgery scars begin to fade. In [New York workers' compensation](#) cases, that's often the point when an injured worker starts hearing a phrase that sounds technical but carries serious financial consequences: Schedule Loss of Use (SLU) award.

For many workers in New York City, this is where confusion starts. A construction worker in Manhattan may be told he has reached maximum medical improvement but still cannot fully use his shoulder. A nurse in Brooklyn may have lasting loss of motion in her hand after a work injury and wonder why temporary checks are stopping. A transit worker in Queens may hear that a doctor has assigned a percentage to an arm or leg injury and have no idea what that number means in dollars. That's often when a New York workers' compensation lawyer becomes especially important.

At [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#), our attorneys know that a schedule loss of use award is not just a medical formality. It can shape the value of a permanency hearing and a workers' comp case in a major way. That's why we're here to help you understand how the SLU award process works for people receiving workers' compensation benefits in New York.

What is a schedule loss of use award?

A schedule loss of use (SLU) award is a formula used by the New York Workers' Compensation Board to determine benefits for injured workers based on the percentage of loss assigned to specific body parts. For example, if someone has permanently lost 25 percent of the use of their right arm due to a work-related injury, they should receive a specific amount of money for a specific amount of time based on their injury.

An SLU award is not the same thing as a general pain-and-suffering payment. Workers' compensation in New York does not pay pain and suffering. Instead, an SLU award is meant to compensate an injured worker for the permanent loss of function in a body part covered by what's known as the statutory schedule.

In practical terms, that means the New York Workers' Compensation Board is not asking whether your shoulder injury has been annoying, upsetting, or painful, even though it may be all three. The system is asking a narrower question: how much permanent functional loss remains in a body part that falls under the statutory schedule?

What New York laws apply to schedule loss of use awards?

The legal framework for schedule loss of use (SLU) awards in New York is outlined in two state laws:

- [New York Workers' Compensation Law § 15](#), which sets the schedule of weeks used to value permanent loss of use of specific body parts.
- [New York Workers' Compensation Law § 14](#), which governs average weekly wage calculations used to determine the weekly rate.

The [New York Workers' Compensation Board](#) says an SLU award is available for permanent impairment involving certain extremities, eyesight, or hearing, and compensation is limited to a set number of weeks depending on the body part and the severity of the loss.

What workplace injuries are covered by schedule loss of use awards?

Specific body parts are covered by a very precise schedule loss of use award formula created by the New York Workers' Compensation Board. Injuries covered by the [New York Workers' Compensation Board schedule loss of use benefits](#) include:

- Arm injuries, including the shoulder and elbow
- Hand injuries, including the wrist, forearm, and fingers
- Leg injuries, including the hip and knee
- Foot and ankle injuries, as well as toes
- Eyesight and hearing loss in qualifying cases

Depending on the injury and the percentage of injury, eligible workers can receive schedule loss of use awards for up to 225 weeks for an injury that reduces a worker's earning capacity by less than 15 percent to 525 weeks for certain injuries that reduce a worker's earning capacity by more than 95 percent. It's a complex formula based on many different factors.

This list matters because not every permanent injury qualifies for an SLU. Injuries to the spine, brain, heart, lungs, and pelvis generally fall into non-schedule categories instead, and those cases are evaluated differently.

Which injuries do not get a schedule loss of use award?

This is one of the most misunderstood parts of New York workers' compensation law. Many injured workers assume any lasting impairment leads to an SLU award. But that's not how the workers' compensation SLU award system works.

The Board specifically says non-schedule awards apply to permanent disability involving body parts or conditions not covered by the SLU schedule, including the spine, pelvis, lungs, heart, and brain. Those cases are generally tied to loss of earning capacity rather than the scheduled weeks assigned to a particular body part.

That distinction can change everything. A worker with a serious back injury may have permanent restrictions and ongoing wage loss, but the value of that case will not be determined through the SLU schedule. On the other hand, a worker with a permanent knee or shoulder impairment may be dealing with a schedule award rather than a non-schedule classification.

How is a schedule loss of use award calculated in New York?

The basic formula sounds simple, but real cases rarely are. An SLU award generally turns on three main moving parts:

- The injured worker's average weekly wage and compensation rate under New York Workers' Compensation Law § 14.
- The number of statutory weeks assigned to the injured body part under New York Workers' Compensation Law § 15(3).
- The percentage of permanent loss assigned to that body part under the Workers' Compensation Board's permanency and impairment framework.

The statute sets maximum week values for different body parts. The schedule in § 15(3) assigns different week values to an arm, hand, leg, foot, thumb, finger, hearing, and vision loss. The medical percentage is then applied to the relevant body part's statutory weeks, and that result is multiplied by the worker's compensation rate.

For example, imagine a Brooklyn electrician who earns a qualifying compensation rate and ends up with a 25% schedule loss of use of the arm after surgery and rehabilitation. The arm has a set number of weeks under the statute. A 25% finding would entitle the worker to 25% of that scheduled number of weeks, paid at the established weekly rate, subject to credits and case-specific details. That is why the percentage matters so much. A dispute over 20% versus 35% is not academic. It can mean thousands of dollars.

Why does the doctor's opinion matter so much?

An SLU award may be paid in dollars, but it begins in the exam room. The Workers' Compensation Board's impairment guidelines require a medical provider to evaluate permanent impairment using objective findings and the current guidelines, which were implemented under Workers' Compensation Law § 15(3)(x). The Board explains that the guidelines are used for schedule loss of use evaluations and that impairment is a medical determination based on anatomic or functional abnormality or loss.

That means the doctor is not supposed to guess or throw out a percentage based on instinct. The opinion should be grounded in measurable loss of motion, strength deficits, sensory deficits, surgical changes, residual instability, or other objective factors recognized by the Board's guidelines.

This is also where fights often begin. The treating doctor may say a worker has a 40% loss of use of the hand. The insurance carrier's independent medical examiner may say it is only 15%. Those two numbers do not just reflect different medical philosophies. They can reflect very different award values.

When can a worker be evaluated for a schedule loss of use award?

Timing matters. A worker generally should not be evaluated for SLU until the condition has reached maximum medical improvement and is considered permanent. The Workers' Compensation Board's materials explain that schedule loss of use evaluations are tied to permanent impairment under the Board's guidelines. The idea is straightforward: the Board wants to know what permanent loss remains after healing and treatment have stabilized, not what the body part looked like in the chaotic early weeks after the injury.

That timing rule can frustrate injured workers because it often means waiting. A worker who still needs more treatment, more therapy, or additional surgery may not yet be at the point where a reliable permanency evaluation can be made. But pushing the issue too early can backfire if the medical picture is still changing.

A good example is a Bronx home health aide who tears his shoulder at work, undergoes surgery, and then continues therapy for months. If he's evaluated too early, before strength and motion stabilize, the assigned percentage may not reflect the true lasting damage. In that kind of case, timing is not just administrative. It affects value.

Why are temporary payments credited against the award?

This question comes up constantly, and it is one reason so many workers feel blindsided when they finally receive an award decision. The Workers' Compensation Board plainly states that temporary benefits already paid are deducted from the total SLU award.

That means if a worker has already been receiving temporary disability payments, those payments may reduce the balance still owed on the schedule loss of use award. The Board has also issued process guidance addressing credits in schedule loss of use cases and related situations.

This often feels unfair to workers because they assume the schedule award will be stacked on top of everything already paid. Sometimes the reality is closer to a ledger. The law treats temporary payments and permanency awards as connected parts of the same claim, not as two unrelated pots of money.

What can lower or raise the value of a schedule loss of use award?

The final number can vary based on many different factors, including medical issues, legal concerns and rules for specific body parts. In particular, issues that can impact the value of an SLU award include:

- The average weekly wage (AWW) and resulting compensation rate under § 14.
- The scheduled number of weeks assigned to the body part under § 15(3).
- The medical percentage assigned under the Board's impairment guidelines.
- Whether there is apportionment for prior injury, preexisting condition, or another cause of impairment. The [New York Workers' Compensation Board's SLU FAQs](#) say a physician should, to the extent possible, identify the schedule loss attributable to the work injury as opposed to other causes.
- Whether temporary disability payments or related credits reduce the amount still payable.

Apportionment is especially important in New York City cases involving older workers or repeat-use occupations. A carrier may argue that part of the loss in a shoulder, knee, or hearing case was already there before the work injury. That can shrink the award if not challenged properly by a skilled New York workers' compensation attorney.

What happens if the carrier's doctor disagrees with your doctor?

This is where a permanency case can turn into a real legal fight. If the insurance carrier sends the worker to an independent medical examination and that doctor assigns a much lower percentage, the Workers' Compensation Board may have to weigh competing medical opinions. That battle often decides the value of the award.

The Board's impairment guidelines and FAQs make clear that schedule loss of use opinions must be grounded in objective findings and should isolate the impairment caused by the work-related injury where possible.

In real life, that means the quality of the treating doctor's report can make a major difference. If the report is thin, vague, or missing measured findings, the carrier's doctor may gain traction. If the treating doctor clearly explains range-of-motion deficits, surgical history, residual weakness, and why the work injury caused the present loss, the worker stands on stronger ground. A weak report can leave money on the table.

Can more than one body part be included in a schedule award?

Sometimes, yes. A single work accident may leave permanent impairment in more than one scheduled body part. But how those injuries are handled can become complicated, especially if the case also includes non-schedule loss of use injuries. The Board's process guidance notes that when an SLU is awarded in a case that also has other established non-SLU sites, the carrier may be entitled to credit against future awards for causally related disability arising from established injury sites.

This is one reason multi-site injury cases deserve close legal attention. A Queens delivery worker may have a knee injury that fits the schedule and a back injury that does not. A Staten Island laborer may have a hand injury and a neck injury from the same accident. Once schedule and non-schedule categories begin overlapping, the calculations and credits can become much more complicated than many workers expect.

How a New York workers' compensation lawyer can make a difference in an SLU case

A New York workers' compensation SLU case can look simple from a distance because it involves a percentage and a body part. Up close, it is often anything but simple. The right body part has to be identified. The timing has to be right. The average weekly wage has to be correct. The doctor's opinion has to be strong. The carrier's attempt to reduce the percentage has to be challenged. Credits have to be understood. Apportionment has to be watched carefully. That is a lot to put on an injured worker who is already trying to heal.

At Pasternack Tilker Ziegler Walsh Stanton & Romano LLP, we know how these cases affect workers across New York City. A carpenter in Manhattan may lose motion in his shoulder that changes the kind of work he can do. A hospital worker in Brooklyn may have lasting hand impairment that affects every shift. A transit employee in the Bronx may be told the percentage is lower than it should be and not realize how much that difference costs. Our New York workers' compensation lawyers know how to analyze schedule loss of use cases, challenge low valuations, and push for awards that reflect the real extent of permanent impairment.

If you have been told you may have a schedule loss of use award in New York, do not assume the first number attached to your case is the right one. The percentage, the medical proof, and the wage calculations all matter. [Contact us](#) and schedule an appointment at one of our 11 office locations in New York. A skilled New York workers' compensation lawyer at our firm can review your case, answer your questions, explain your potential award value and help you fight for the benefits you deserve under New York law.