



State of Wisconsin

Department of Industry, Labor and Human Relations

December 18, 1986

WORKERS COMPENSATION DIVISION

201 F. Washington Avenue
P.O. Box 7901
Madison, Wisconsin 53707
Madison (608) 266-1340
Milwaukee (414) 224-4382

Attorney Richard J. Kreul
Riegelman, Kreul, Mueckler & Wyant, S.C.
P.O. Box 158
Racine, WI 53401

Dear Mr. Kreul:

Your letter of December 8, 1986 addressed to Mr. Mitchell has been forwarded to me for an answer. The question you set forth in your letter has been posed to the Division several times. It has been discussed at staff meetings.

The language of s. 102.44(6)(a) is clear. It is not ambiguous and it is subject to only one interpretation. "Earnings at the time of the injury" means that amount of money the applicant was actually earning on the date of his injury. In your case, if the applicant was earning \$9.36 per hour at the time of the injury, then for purposes of comparison, the wage remains at \$9.36 an hour. We do not index that wage upward. The fact that in 1977 a job now pays \$13.08 per hour is immaterial. The wage rate for the purposes of comparison remains at \$9.36 per hour.

Sincerely,

H. F. Benkert
Legal Services Director

HFB:WE1001