



State of Wisconsin \ Department of Industry, Labor and Human Relations

WORKER'S COMPENSATION DIVISION

August 11, 1997

201 East Washington Avenue  
P. O. Box 7901  
Madison, Wisconsin 53707  
Madison: (608) 266-1340  
Milwaukee: (414) 227-4382

Mailed to:

ATTORNEY DAVID BLACKKEY  
PO BOX 966  
LA CROSSE WI 54602-0966

WC CLAIM NO: 97007392  
INJURY DATE: 01/15/97  
EMPLOYEE:  
EMPLOYER: WICK BUILDING MAZOMANIE  
INSURER NO: 2290028173

IF YOU CALL OR WRITE US  
PLEASE USE WC CLAIM NO.

In this case, the insurance carrier should pay mileage to Mr. \_\_\_\_\_ for the distance from his residence in Gays Mills to the office of the examining practitioner in Onalaska and return to Gays Mills. Section 102.13(4) of the statutes provides that mileage for appearing at an examination is determined by the distance from the employe's place of residence to the examining practitioner's office. Footnote number 51 of the Worker's Compensation Act of Wisconsin (WKC-1) provides that mileage is determined from map miles as the crow flies from the place of the residence and not by highway mileage. A copy is enclosed. Under these circumstances, the insurance carrier is required to pay mileage to Mr. \_\_\_\_\_ for travel from his place of residence, rather than place of employment, to appear for an examination scheduled pursuant to section 102.13(1) of the Statutes.

The insurance carrier must pay Mr. \_\_\_\_\_ for the lost wages he sustained for missing time from work to attend the examination. Section 102.13(1)(b) of the Statutes provides that an employer or insurer shall tender to the employe, before the examination, all necessary expenses including transportation expenses. Included in necessary expenses are the actual amount of wages lost due to missing work to appear for the examination. Footnote number 42 of the Worker's Compensation Act of Wisconsin (WKC-1) provides that if the employe loses time from work to attend the examination, he or she is entitled to full wage replacement rather than the temporary disability rate. A copy of this footnote is also enclosed.

Sincerely,

James T. O'Malley  
Administrative Law Judge

JTO:aj

Enclosure

cc: (For informational purposes only)  
ATTORNEY EDWARD W STEWART, WHITE & LOWE, 20935 SWENSON DR STE 310,  
WAUKESHA WI 53186