



A Division of the New York Legal Assistance Group

**LegalHealth**  
Professional Partnership to Promote Well Being<sup>®</sup>

*This is general information, not legal advice. Patients should consult an attorney for specific guidance.*

## New York State Short Term Disability Benefits

If a patient has a non-work related injury or illness that prevents the employee from working for more than seven days, he or she may be entitled to Short Term Disability benefits to replace wages lost under New York State law.

### How much is New York State Short Term Disability benefits?

- The amount of short term disability benefits depends on the employee's average weekly wage. Employees are eligible for 50% of their average weekly wage over the past 8 weeks with a maximum amount of \$170 per week. Part time employees are also eligible.
- Some employers offer more generous coverage than the State required benefit, so it is important to review the employee manual or policies.
- A person cannot receive short term disability benefits and unemployment benefits.

### How long can someone receive short term disability?

- Short term disability benefits can last for a maximum of 26 weeks during a 52 week period.
- The duration of benefits is dependent on the medical condition and physician's statement regarding the applicant's ability to return to work.

### How can my patient apply for Short Term Disability?

- Patients should request a copy of the employer's short term disability benefits application and submit a claim within 30 days of the on-set of the disability. If the employer does not have a form, employees can download forms from the State's website. <http://www.wcb.ny.gov/content/main/forms/db450.pdf>

### What medical evidence is needed for a Short Term Disability application?

- Treating health care providers are required to complete and sign a section of the short term disability application.
- Health care providers are requested to describe the diagnosis, the applicant's symptoms, objective findings, dates of treatment, date the applicant was first unable to work, date the applicant will be able to return to work, and whether it is in the provider's opinion a work-place injury.

### What happens if the patient is denied benefits?

- If denied, the applicant can appeal with the NY Worker's Compensation Board. Instructions for the appeal will be provided with the denial.

More questions? Refer patients for an appointment with a LegalHealth attorney

[www.legalhealth.org](http://www.legalhealth.org)

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