

DELAWARE COMPENSATION RATING BUREAU, INC.
F CLASS FILING

U. S. Longshore and Harbor Workers' Coverage Factor

In support of a modification to the United States Longshore and Harbor Workers' Compensation Coverage Percentage, which represents a load factor applied to state act coverage rates, the Bureau presents the following exhibits. In these exhibits, we compare benefit levels as prescribed under Delaware law to those given by the Federal law. For brevity, we will use DE and USL when referring to the respective jurisdictions.

Exhibit I outlines the essential features of current USL and DE workers' compensation laws. Note that in footnotes on page 2 are the national and statewide average weekly wages that were used in developing the exhibits that follow.

Exhibit II summarizes the Bureau's findings. The ratios in column 2 are drawn from the subsequent exhibits. The weights represent the distribution of losses by type of injury from the Delaware 2009 Residual Market and Loss Cost Filing. We propose that the USL percentage remain at the current value of 58.0%.

Starting with Exhibit III and proceeding through Exhibit XII, we develop the factors that are used in Exhibit II. For each type of injury, we develop first the benefit level under the state act, then the corresponding benefit under the USL act. The respective ratios of these benefits are carried forward to Exhibit II.

The distribution of dependents in Exhibits III-A and III-B and of cases in Exhibits V-A and V-B are from the Workers Compensation Injury Table. The distribution of widows on Exhibits III-C and III-D were compiled from the Bureau's own data in Pennsylvania for the ten most recent policy years. All annuity values are derived from the 1999 United States Life Tables.

Please note that the USL&H loading factor does not include the Federal Assessment, which is shown in the Expense Loading.

INDEX TO BENEFITS

- Exhibit I - Law Summaries
- Exhibit II - Overall Differences in Benefits
- Exhibit III - Difference in Benefits for Fatal Cases
- Exhibit IV - Differences in Benefits for Permanent Total Disability Cases
- Exhibit V - Difference in Benefits for Major & Minor Permanent Disability
- Exhibit VI - Differences in Benefits for Temporary Total Disability Cases
- Exhibit VII - Calculation of Average Weekly State Benefits, Fatal Cases
- Exhibit VIII - Calculation of Average Weekly Federal Benefits, Fatal Cases
- Exhibit IX - Calculation of Average Weekly State Benefits, Total Disability
- Exhibit X - Calculation of Average Weekly Federal Benefits, Total Disability
- Exhibit XI - Calculation of Average Weekly Benefits, Schedule Permanent Partials
- Exhibit XII - Calculation of Average Weekly Benefits, Non-Schedule Permanent Partials
- Exhibit XIII - Delaware Department of Labor 2007-2008 Wage Distribution Table

EXHIBIT I

COMPARISON OF U.S.L. AND DELAWARE BENEFITS

Page	<u>Fatal</u>	<u>U.S.L.</u>	<u>Delaware</u>
	% Rate of Compensation		
1	Widow Alone	50%	66 2/3%
3	Widow and Children	66 2/3%	66 2/3% w/1 child, 70% for 2, 75% for 3 80% for 4 or more
4	One Orphan	50%	66 2/3%
9	Two or more Orphans	66 2/3%	66 2/3% for 2, 76 2/3% for 3, 80% for 4 or more
10	One Parent	25%	20%
13	Two Parents	50%	20%
	Brother / Sister / Other dependent	20% for each	15% + 5% for each additional, to 25%
15	Maximum % Rate of Compensation	66 2/3%	
16	Wage for Minimum Weekly Benefit	NAWW (a)	
	Wage for Maximum Weekly Benefit		SAWW (b)
17	Maximum Weekly Benefit	200% NAWW (a)	
18	Duration	Life or Remarriage; Age 18 for Child, or 23 if student	Life or Remarriage for widow, Age 18 for Child, 25 if student 400 weeks for others.
19	Burial Expense	\$3,000	\$3,500
20	Remarriage Award	2 years lump sum	2 years lump sum
	Special Fund (Non-dependency cases)	\$5,000	None
21	Escalation (e)	4.0%	None
	<u>Permanent Total Disability</u>		
	% Rate of Compensation	66 2/3%	66 2/3%
	Minimum Weekly Benefit	Minimum of AWW (c) or 50% NAWW (a)	Minimum of AWW (c) or 22 2/9% SAWW (b)
	Maximum Weekly Benefit	200% NAWW (a)	66 2/3% SAWW (b)
	Duration	Length of Disability	Length of Disability
	Escalation (e)	4.0%	None

EXHIBIT I (CONTINUED)

COMPARISON OF U.S.L. AND DELAWARE BENEFITS

<u>Temporary Total Disability</u>	<u>U.S.L.</u>	<u>Delaware</u>
% Rate of Compensation	66 2/3 %	66 2/3 %
Minimum Weekly Benefit	Minimum of AWW (c) or 50% NAWW (a)	Minimum of AWW (c) or 22 2/9% SAWW (b)
Maximum Weekly Benefit	200% NAWW (a)	66 2/3% SAWW (b)
Duration	Length of Disability	Length of Disability
Waiting Period/ Retroactive after, days	3 / 14	3 / 6
<u>Permanent Partial Disability</u>		
<u>Scheduled Injuries :</u>		
% Rate of Compensation	66 2/3 %	66 2/3 %
Minimum / Maximum Weekly Benefit	- / 200% NAWW (a)	Minimum of AWW (c) or 22 2/9% SAWW (b) / 66 2/3% SAWW (b)
Duration	As per Schedule	As per Schedule
<u>Non-Scheduled Injuries :</u>		
% Rate of Compensation	66 2/3 % LOEC (d)	66 2/3 % LOEC (d)
Minimum / Maximum Weekly Benefit	- / 200% NAWW (a)	- / 66 2/3% SAWW (b)
Duration	Length of Disability	Length of Disability, with maximum of 300 weeks

(a) NAWW, Effective 10/1/2009 \$ 612.33
 50% NAWW \$ 306.17
 200% NAWW \$ 1,224.66

(b) SAWW, Effective 5/25/2010 \$ 914.73

(c) AWW = Average Workers' Wage

(d) LOEC = Loss of Earning Capacity,
 Assumed to be equal to Wage Loss

(e) Adjusted annually each October 1 by increase in NAWW,
 limited to 5%.

EXHIBIT II

OVERALL DIFFERENCE IN BENEFITS

<u>Type of Injury</u>	(1) <u>Losses</u>	(a)	(2) <u>Ratio</u>	(3) (1) * (2) <u>Modified Losses</u>	(4) <u>Indem/Med Split (b)</u>
Death	138,498		1.800	249,296	
Permanent Total	361,309		2.211	798,854	
Major Permanent Partial	2,647,938		2.451	6,490,096	
Minor Permanent Partial	715,705		2.628	1,880,873	
Temporary Total	477,096		1.167	556,771	
Total Indemnity	4,340,546		2.298	9,975,890	0.34
Medical			1.211		0.66
Total Effect			1.580		
Proposed USL&HW Coverage Percentage			58.0%		
Current USL&HW Coverage Percentage (as per DE Manual, effective date 12/1/08)			58.0%		

(a) Delaware 5 year losses in hundreds, from Table II, Delaware 2009 Residual Market and Loss Cost Filing.

(b) 12/1/09 Brown Book Page 1

(c) Effect of Senate Bill I = $1/.826 = 1.211$

EXHIBIT III

CALCULATION OF DIFFERENCE IN BENEFITS FOR FATAL CASES

	Delaware	U.S.L.
1. Cost of Dependency (Exhibits III-A, III-B)	354,627,604	643,511,890
2. Remarriage Award (a), (b)	5,023,023	6,496,745
3. Burial Cost (Allowance * 1,000 Cases)	3,500,000	3,000,000
4. Second Injury Fund (147 Cases * \$5,000)	-	735,000
5. Total Cost { (1)+(2)+(3)+(4) }	363,150,627	653,743,635
6. Ratio U.S.L. to Delaware		1.800

(a) Calculation of Remarriage Award	Delaware	U.S.L.
1. Number of Cases, Widow Alone	356	356
2. Remarriage Value (Exhibit III-C, III-D)	0.0730	0.1008
3. Number of Cases, Widow w/ children	427	427
4. Remarriage Value (Exhibit III-C, III-D)	0.1621	0.2254
5. Average Weekly Benefit (Exhibit VII, VIII)	507.31	472.78
6. Award: ((#1 * #2) + (#3 * #4)) * #5 * 104 weeks	5,023,023	6,496,745

(a) US L& H Includes 4.0% escalation

(b) From 1999 US Life Tables for Total Female Population.

Remarriage Values from 1982 Remarriage Table, PCAS Vol. LXIX, pg. 56

EXHIBIT III-A

VALUATION OF DELAWARE FATAL BENEFITS LAW

(1) # Of Cases	(2) Person Receiving Compensation	(3) # Of Dependents	(4) Average Pension Age	(5) Annuity Symbol	(6) Annuity Value	(7) Average Weekly Benefit (b)	(8) Monetary Cost (1)x(6)x(7)
147	None	None	xxx	xxx	xxx	xxx	xxx
356	Widow alone	1	52	$\bar{a} \overline{52:\text{life}}$	879.16	507.31	158,778,371
136	Widow	1	41	$8.5 \mid \bar{a} \overline{41:\text{life}}$	400.08	507.31	34,502,600
	with child	1	11	$a \overline{442}$	338.37	507.31	23,345,554
129	Widow	1	41	$8.5 \mid \bar{a} \overline{41:\text{life}}$	500.08	507.31	32,726,730
	with children	2	11	$a \overline{442}$	338.37	535.23	23,362,645
82	Widow	1	41	$8.5 \mid \bar{a} \overline{41:\text{life}}$	500.08	507.31	20,803,038
	with children	3	11	$a \overline{442}$	338.37	572.72	15,890,884
42	Widow	1	41	$8.5 \mid \bar{a} \overline{41:\text{life}}$	500.08	507.31	10,655,215
	with children	4	11	$a \overline{442}$	338.37	610.16	8,671,313
22	Widow	1	41	$8.5 \mid \bar{a} \overline{41:\text{life}}$	500.08	507.31	5,581,303
	with children	5	11	$a \overline{442}$	338.37	610.16	4,542,116
16	Widow	1	41	$8.5 \mid \bar{a} \overline{41:\text{life}}$	500.08	507.31	4,059,129
	with children (>5)	7 (a)	11	$a \overline{442}$	338.37	610.16	3,303,357
16	Orphan	1	11	$a \overline{442}$	338.37	510.60	2,764,348
10	Orphans	2	11	$a \overline{442}$	338.37	510.60	1,727,717
7	Orphans	3	11	$a \overline{442}$	338.37	587.19	1,390,812
3	Orphans	4	11	$a \overline{442}$	338.37	612.72	621,978
1	Orphans (more than 4)	5 (a)	11	$a \overline{442}$	338.37	612.72	207,326
13	Parent	1	58	$\bar{a} \overline{58:400}$	337.74	153.18	672,555
17	Parents	2	48	$\bar{a} \overline{48:400}$	345.59	153.18	899,937
1	Brother or Sister	1	23	$\bar{a} \overline{23:400}$	350.12	114.89	40,225
2	Other Dependents	1 (a)	21	$\bar{a} \overline{21:400}$	350.12	114.89	80,451
1000	Total						354,627,604

(a) Average
(b) Exhibit VII

EXHIBIT III-B

VALUATION OF U.S.L. FATAL BENEFITS LAW

(1) # Of Cases	(2) Person Receiving Compensation	(3) # Of Dependents	(4) Average Pension Age	(5) Annuity Symbol	(6) Annuity Value (b)	(7) Average Weekly Benefit (c)	(8) Monetary Cost (1)x(6)x(7)
147	None	None	xxx	xxx	xxx	xxx	xxx
356	Widow alone	1	52	$\bar{a} \text{ '52:life}$	1,583.82	472.78	266,572,237
136	Widow	1	41	$8.5 \mid a \text{ ^41:life}$	1,125.80	472.78	72,386,778
	with child	1	11	$a \text{ ^442}$	451.16	623.48	38,255,336
129	Widow	1	41	$8.5 \mid a \text{ ^41:life}$	1,125.80	472.78	68,660,988
	with children	2	11	$a \text{ ^442}$	451.16	623.48	36,286,312
82	Widow	1	41	$8.5 \mid a \text{ ^41:life}$	1,125.80	472.78	43,644,969
	with children	3	11	$a \text{ ^442}$	451.16	623.48	23,065,717
42	Widow	1	41	$8.5 \mid a \text{ ^41:life}$	1,125.80	472.78	22,354,740
	with children	4	11	$a \text{ ^442}$	451.16	623.48	11,814,148
22	Widow	1	41	$8.5 \mid a \text{ ^41:life}$	1,125.80	472.78	11,709,626
	with children	5	11	$a \text{ ^442}$	451.16	623.48	6,188,363
16	Widow	1	41	$8.5 \mid a \text{ ^41:life}$	1,125.80	472.78	8,516,092
	with children (>5)	7 (a)	11	$a \text{ ^442}$	451.16	623.48	4,500,628
16	Orphan	1	11	$a \text{ ^442}$	451.16	472.78	3,412,791
10	Orphans	2	11	$a \text{ ^442}$	451.16	623.48	2,812,892
7	Orphans	3	11	$a \text{ ^442}$	451.16	623.48	1,969,025
3	Orphans	4	11	$a \text{ ^442}$	451.16	623.48	843,868
1	Orphans (more than 4)	5 (a)	11	$a \text{ ^442}$	451.16	623.48	281,289
13	Parent	1	58	$\bar{a} \text{ 58:life}$	1,283.81	234.52	3,914,029
17	Parents	2	48	$\bar{a} \text{ 48:life}$	1,793.45	472.78	14,414,424
1	Brother or Sister	1	23	$\bar{a} \text{ 23:life}$	3,298.31	187.85	619,588
2	Other Dependants	1 (a)	21	$\bar{a} \text{ 21:life}$	3,428.40	187.85	1,288,050
1000	Total						643,511,890

(a) Average

(b) Includes 4.0% escalation

(c) Exhibit VIII

EXHIBIT III-C

CALCULATION OF REMARRIAGE VALUES - DELAWARE

(1) Average Age x	(2) # of Cases		(4) $\frac{R[x]}{D[x]}$	(5) (2)x(4)	(6) (3)x(4)
	Widow Alone	Widow w/ children			
17	-	-	0.77082	-	-
22	1	3	0.53632	0.53632	1.60896
27	5	17	0.39234	1.96170	6.66978
32	7	20	0.27335	1.91345	5.46700
37	18	33	0.18346	3.30228	6.05418
42	26	57	0.12013	3.12338	6.84741
47	39	33	0.07735	3.01665	2.55255
52	36	15	0.04883	1.75788	0.73245
57	62	6	0.02998	1.85876	0.17988
62	25	2	0.01769	0.44225	0.03538
67	12	-	0.00985	0.11820	-
72	10	-	0.00510	0.05100	-
77	7	-	0.00245	0.01715	-
82	-	-	0.00107	-	-
87	-	-	0.00043	-	-
Total	248	186	2.46917	18.09902	30.14759

Remarriage Values (a), (b)

$$\begin{aligned} \text{Widow alone} &= (5 \text{ Total}) / (2 \text{ Total}) = && 0.0730 \\ \text{Widow with children} &= (6 \text{ Total}) / (3 \text{ Total}) = && 0.1621 \end{aligned}$$

- (a) Present value of percent of distribution remarrying
 (b) From 1999 US Life Tables for Total Female Population (est at ages over 100).
 Remarriage Values from 1982 Remarriage Table, PCAS Vol. LXIX, pg. 56

EXHIBIT III-D

CALCULATION OF REMARRIAGE VALUES - U.S.L. LAW

(1) Average Age x	(2) # of Cases		(4) $\frac{R[x]}{D[x]}$	(5) (2)x(4)	(6) (3)x(4)
	Widow Alone	Widow w/ children			
17	-	-	0.97180	-	-
22	1	3	0.71734	0.71734	2.15202
27	5	17	0.53990	2.69950	9.17830
32	7	20	0.38206	2.67442	7.64120
37	18	33	0.25798	4.64364	8.51334
42	26	57	0.16855	4.38230	9.60735
47	39	33	0.10740	4.18860	3.54420
52	36	15	0.06664	2.39904	0.99960
57	62	6	0.04000	2.48000	0.24000
62	25	2	0.02300	0.57500	0.04600
67	12	-	0.01246	0.14952	-
72	10	-	0.00628	0.06280	-
77	7	-	0.00294	0.02058	-
82	-	-	0.00125	-	-
87	-	-	0.00049	-	-
Total	248	186	3.29809	24.99274	41.92201

Remarriage Values (a)

$$\begin{aligned} \text{Widow alone} &= (5 \text{ Total}) / (2 \text{ Total}) = && 0.1008 \\ \text{Widow with children} &= (6 \text{ Total}) / (3 \text{ Total}) = && 0.2254 \end{aligned}$$

- (a) Present value of percent of distribution remarrying, includes 4.0% escalation
 (b) From 1999 US Life Tables for Total Female Population (est at ages over 100).
 Remarriage Values from 1982 Remarriage Table, PCAS Vol. LXIX, pg. 56

EXHIBIT IV

CALCULATION OF DIFFERENCE IN BENEFITS
PERMANENT TOTAL DISABILITY CASES

	Delaware	U.S.L.	
1. Annuity Symbol	$\bar{a}_{49:\overline{life}}$	$\bar{a}_{49:\overline{life}}$	(a)
2. Annuity Value (b)	939.58	1,739.65	
3. Average Weekly Benefit (Exhibits IX, X)	507.38	605.83	
4. Cost of 1,000 Cases { (2)x(3)x1,000 }	476,724,100	1,053,932,160	
5. Ratio U.S.L. to Delaware		2.211	

(a) Includes 4.0% escalation per annum

(b) From 1999 US Life Tables for Total Population (est for ages over 100).

EXHIBIT V

COMPARISON OF DELAWARE & U.S.L. BENEFITS
MAJOR & MINOR PERMANENT PARTIAL

(1) Type	(2) Number (a)	(3) Duration (a)	(4) (2)*(3)	(5) Average Weekly Benefit	(6) Total Cost (4)*(5)
<u>A. Major Permanent</u>					
Delaware Benefit Level:					
Dismemberment	27	228.89	6,180	507.33 (b)	3,135,299
Healing Period	503	25.76	12,957	507.38 (c)	6,574,123
Other (Loss of Use)	476	125.59	59,781	507.33	30,328,695
Non-Schedule	497 (d)	300.00	149,100	242.96 (f)	36,225,336
Total Cost					76,263,453
U.S.L. Benefit Level:					
Dismemberment	27	245.85	6,638	602.57 (b)	3,999,860
Healing Period	503	25.76	12,957	605.83 (e)	7,849,739
Other (Loss of Use)	476	141.87	67,530	602.57	40,691,552
Non-Schedule	497 (d)	1,108.31 (g)	550,830	243.96 (f)	134,380,487
Total Cost					186,921,638
Ratio U.S.L. to Delaware					2.451
<u>B. Minor Permanent</u>					
Delaware Benefit Level:					
Dismemberment	194	27.80	5,393	507.33	2,736,031
Healing Period	2,196	7.30	16,031	507.38	8,133,809
Other (Loss of Use)	2,002	25.95	51,952	507.33	26,356,808
Non-Schedule	1,120 (d)	300.00	336,000	152.49 (f)	51,236,640
Total Cost					88,463,288
U.S.L. Benefit Level:					
Dismemberment	194	24.69	4,790	602.57	2,886,310
Healing Period	2,196	7.30	16,031	605.83	9,712,061
Other (Loss of Use)	2,002	25.38	50,811	602.57	30,617,184
Non-Schedule	1,120 (d)	1,108.31 (g)	1,241,307	152.49 (f)	189,286,904
Total Cost					232,502,459
Ratio U.S.L. to Delaware					2.628

(a) Exhibits V-A, V-B

(b) Exhibit XI

(c) Exhibit IX

(d) "Workers' Compensation Injury Table" for Total Population

Published by the National Council on Compensation Insurance, Inc.

(e) Exhibit X

(f) Exhibit XII

(g) ($\bar{N} 37 / D 37$) *52, no escalation, from 1999 US Life Tables

EXHIBIT V-A

SCHEDULE BENEFIT PROVISIONS - DELAWARE LAW
MAJOR & MINOR PERMANENT DISABILITY

Type of Benefit	(1) # of Cases (a)	(2) Avg. % Loss	(3) Schedule at 100%	(4) (2) * (3) Duration	(5) Healing Period
I. Major Permanent					
A. Dismemberment Cases					
Arm (at or above elbow)	4	100	250	250	33
Arm (below elbow)	3	100	250	250	18
Hand	5	100	220	220	29
Leg (at or above knee)	6	100	250	250	34
Leg (below knee)	3	100	250	250	39
Foot	3	100	160	160	26
Eye (enucleation)	3	100	200	200	20
Total or Average (b)	27			228.89	29.26
B. Other Than Dismemberment					
Arm (loss of use)	81	53	250	132.50	27
Hand (loss of use)	139	56	220	123.20	20
Leg (loss of use)	145	53	250	132.50	34
Foot (loss of use)	69	51	160	81.60	25
Eye (loss of use)	38	88	200	176.00	14
Hearing (loss of hearing)	4	56	175	98.00	3
Total or Average (b)	476			125.59	25.56
Average Major Member Healing Period (b)					25.76
II. Minor Permanent					
A. Dismemberment Cases					
Thumb - 1st phalange	23	100	37.50	37.50	6
Thumb - 2nd phalange	5	100	75.00	75.00	6
Index Finger - 1st phalange	48	100	25.00	25.00	5
Index Finger - 2nd phalange	18	100	50.00	50.00	8
Middle Finger - 1st phalange	32	100	20.00	20.00	3
Middle Finger - 2nd phalange	11	100	40.00	40.00	7
Ring Finger - 1st phalange	19	100	15.00	15.00	4
Ring Finger - 2nd phalange	8	100	30.00	30.00	4
Little Finger - 1st phalange	15	100	10.00	10.00	2
Little Finger - 2nd phalange	8	100	20.00	20.00	5
Great Toe - 1st phalange	2	100	20.00	20.00	6
Great Toe - 2nd phalange	1	100	40.00	40.00	12
Other Toes	4	100	15.00	15.00	9
Total or Average (b)	194			27.80	4.96
B. Other Than Dismemberment Cases					
Hearing - One ear	10	37	75	27.75	3
Thumb (loss of use)	164	25	75	18.75	4
Index Finger (loss of use)	216	32	50	16.00	4
Middle Finger (loss of use)	152	29	40	11.60	3
Ring Finger (loss of use)	98	31	30	9.30	3
Little Finger (loss of use)	95	36	20	7.20	3
Great Toe (loss of use)	50	26	40	10.40	4
Other Toes (loss of use)	21	29	15	4.35	2
Other Major Members (loss of use)	1,196			34.43	10.24
Total or Average (b)	2,002			25.95	7.53
Average Major Member Healing Period (b)					7.30

(a) From the "Workers' Compensation Injury Table," published by the National Council on Compensation Insurance, Inc.

(b) Total for column (1), Average for columns (4) and (5) using column (1) as weights.

EXHIBIT V-B

SCHEDULE BENEFIT PROVISIONS - U.S.L. LAW
MAJOR & MINOR PERMANENT DISABILITY

Type of Benefit	(1) # of Cases (a)	(2) Avg. % Loss	(3) Schedule at 100%	(4) (2) * (3) Duration	(5) Healing Period
I. Major Permanent					
A. Dismemberment Cases					
Arm (at or above elbow)	4	100	312	312	33
Arm (below elbow)	3	100	244	244	18
Hand	5	100	244	244	29
Leg (at or above knee)	6	100	288	288	34
Leg (below knee)	3	100	205	205	39
Foot	3	100	205	205	26
Eye (enucleation)	3	100	160	160	20
Total or Average (b)	27			245.85	29.26
B. Other Than Dismemberment					
Arm (loss of use)	81	53	312	165.36	27
Hand (loss of use)	139	56	244	136.64	20
Leg (loss of use)	145	53	288	152.64	34
Foot (loss of use)	69	51	205	104.55	25
Eye (loss of use)	38	88	160	140.80	14
Hearing (loss of hearing)	4	56	200	112.00	3
Total or Average (b)	476			141.87	25.56
Average Major Member Healing Period (b)					25.76
II. Minor Permanent					
A. Dismemberment Cases					
Thumb - 1st phalange	23	100	37.50	37.50	6
Thumb - 2nd phalange	5	100	75.00	75.00	6
Index Finger - 1st phalange	48	100	23.00	23.00	5
Index Finger - 2nd phalange	18	100	46.00	46.00	8
Middle Finger - 1st phalange	32	100	15.00	15.00	3
Middle Finger - 2nd phalange	11	100	30.00	30.00	7
Ring Finger - 1st phalange	19	100	12.50	12.50	4
Ring Finger - 2nd phalange	8	100	25.00	25.00	4
Little Finger - 1st phalange	15	100	7.50	7.50	2
Little Finger - 2nd phalange	8	100	15.00	15.00	5
Great Toe - 1st phalange	2	100	19.00	19.00	6
Great Toe - 2nd phalange	1	100	38.00	38.00	12
Other Toes	4	100	16.00	16.00	9
Total or Average (b)	194			24.69	4.96
B. Other Than Dismemberment Cases					
Hearing - One ear	10	37	52	19.24	3
Thumb (loss of use)	164	25	75	18.75	4
Index Finger (loss of use)	216	32	46	14.72	4
Middle Finger (loss of use)	152	29	30	8.70	3
Ring Finger (loss of use)	98	31	25	7.75	3
Little Finger (loss of use)	95	36	15	5.40	3
Great Toe (loss of use)	50	26	38	9.88	4
Other Toes (loss of use)	21	29	16	4.64	2
Other Major Members (loss of use)	1,196			34.43	10.24
Total or Average (b)	2,002			25.38	7.53
Average Major Member Healing Period (b)					7.30

(a) From the "Workers' Compensation Injury Table," published by the National Council on Compensation Insurance, Inc.

(b) Total for column (1), Average for columns (4) and (5) using column (1) as weights.

EXHIBIT VI

CALCULATION OF DIFFERENCE IN BENEFITS
TEMPORARY TOTAL DISABILITY CASES

	Delaware	U.S.L.
1. Waiting Period	3	3
2. Retroactive After	6	14
3. Total Days Disability Based on #1 (a)	2,776,360	2,776,360
4. Additional Days Disability Based on #2 (a)	183,882 (b)	117,735 (b)
5. Cost in Units of Weeks Wages [(#3+#4)/7]	422,892	413,442
6. Average Weekly Benefit (Exhibits IX,X)	507.38	605.83
7. Total Monetary Cost (#5*#6)	214,566,943	250,475,567
8. Ratio U.S.L. to Delaware		1.167

(a) Exhibit VI-A

(b) #1 * Value from Exhibit VI-A based on #2

EXHIBIT VI-A

WORKERS COMPENSATION INJURY TABLE*
TEMPORARY TOTAL DISABILITY

(1) Duration (Days)	(2) # of Cases	(3) Summa. of (2) Upward	(4) Total Disability (Days)	(1) Duration (Days)	(2) # of Cases	(3) Summa. of (2) Upward	(4) Total Disability (Days)
1	8,973	103,371	3,060,329	22	854	28,879	1,909,602
2	8,198	94,398	2,956,958	23	910	28,025	1,880,723
3	6,236	86,200	2,862,560	24	961	27,115	1,852,698
4	7,077	79,964	2,776,360	25	762	26,154	1,825,583
5	6,437	72,887	2,696,396	26	590	25,392	1,799,429
6	5,156	66,450	2,623,509	27	467	24,802	1,774,037
7	4,854	61,294	2,557,059	28	1,480	24,335	1,749,235
8	2,351	56,440	2,495,765	29	532	22,855	1,724,900
9	2,407	54,089	2,439,325	30	604	22,323	1,702,045
10	2,865	51,682	2,385,236	31	655	21,719	1,679,722
11	2,665	48,817	2,333,554	32	603	21,064	1,658,003
12	2,156	46,152	2,284,737	33	437	20,461	1,636,939
13	1,891	43,996	2,238,585	34	376	20,024	1,616,478
14	2,860	42,105	2,194,589	35	894	19,648	1,596,454
15	1,563	39,245	2,152,484	36	389	18,754	1,576,806
16	1,621	37,682	2,113,239	37	390	18,365	1,558,052
17	1,703	36,061	2,075,557	38	442	17,975	1,539,687
18	1,486	34,358	2,039,496	39	424	17,533	1,521,712
19	1,096	32,872	2,005,138	40	287	17,109	1,504,179
20	888	31,776	1,972,266	41	274	16,822	1,487,070
21	2,009	30,888	1,940,490	42	1,160	16,548	1,470,248

*Excerpt from National Council on Compensation Insurance, Inc. 1976 Injury Table

EXHIBIT VII

CALCULATION OF AVERAGE WEEKLY BENEFIT - FATAL
DELAWARE ACT

1. Effective Date of Comp Law			5/25/2010		
2. Rate of Compensation (a)	0.1500	0.2000	0.6667	0.6667	0.7000
3. Minimum Weekly Benefit	0.00	0.00	10.00	203.27	203.27
4. Maximum Weekly Benefit (SAWW * #2)	137.21	182.95	609.82	609.82	640.31
5. Effective Wage for #3 (#3 / #2)	0.00	0.00	15.00	304.91	290.39
6. Effective Wage for #4 (SAWW)	914.73	914.73	914.73	914.73	914.73
7. Average Weekly Wage	914.73	914.73	914.73	914.73	914.73
8. Ratio to Average for #5 (#5 / #7)	0.000	0.000	0.016	0.333	0.317
9. Ratio to Average for #6 (#6 / #7)	1.000	1.000	1.000	1.000	1.000
10. Line #8 Adjusted to Nearest .05	0.00	0.00	0.00	0.35	0.30
11. Line #9 Adjusted to Nearest .05	1.00	1.00	1.00	1.00	1.00
12. B for #10	0.00	0.00	0.00	3.60	1.82
13. B for #11	59.11	59.11	59.11	59.11	59.11
14. #13 - #12	59.11	59.11	59.11	55.51	57.29
15. A for #10	0.00	0.00	0.00	9.19	5.29
16. A for #11	75.38	75.38	75.38	75.38	75.38
17. #8 * #15	0.00	0.00	0.00	3.06	1.68
18. #9 * (100 - #16)	24.62	24.62	24.62	24.62	24.62
19. Limit Factor as % (#14 + #17 + #18)	83.73	83.73	83.73	83.19	83.59
20. Effective Average Weekly Wage (#19 * #7 / 100)	765.90	765.90	765.90	760.96	764.62
21. Average Weekly Benefit (#20 * #2)	114.89	153.18	510.60	507.31	535.23

1. Effective Date of Comp Law			5/25/2010		
2. Rate of Compensation (a)	0.7500	0.7667	0.8000	0.8000	
3. Minimum Weekly Benefit	203.27	10.00	10.00	203.27	
4. Maximum Weekly Benefit	686.05	701.29	731.78	731.78	
5. Effective Wage for #3 (#3/#2)	271.03	13.04	12.50	254.09	
6. Effective Wage for #4 (#4/#2)	914.73	914.73	914.73	914.73	
7. Average Weekly Wage	914.73	914.73	914.73	914.73	
8. Ratio to Average for #5 (#5/#7)	0.296	0.014	0.014	0.278	
9. Ratio to Average for #6 (#6/#7)	1.000	1.000	1.000	1.000	
10. Line #8 Adjusted to Nearest .05	0.30	0.00	0.00	0.30	
11. Line #9 Adjusted to Nearest .05	1.00	1.00	1.00	1.00	
12. B for #10	1.82	0.00	0.00	1.82	
13. B for #11	59.11	59.11	59.11	59.11	
14. #13 - #12	57.29	59.11	59.11	57.29	
15. A for #10	5.29	0.00	0.00	5.29	
16. A for #11	75.38	75.38	75.38	75.38	
17. #8 * #15	1.57	0.00	0.00	1.47	
18. #9 * (100-#16)	24.62	24.62	24.62	24.62	
19. Limit Factor as % (#14+#17+#18)	83.48	83.73	83.73	83.38	
20. Effective Average Weekly Wage (#19*#7/100)	763.62	765.90	765.90	762.70	
21. Average Weekly Benefit (#20*#2)	572.72	587.19	612.72	610.16	

(a) From Fatal Benefit Levels, Exhibit I

EXHIBIT VIII

CALCULATION OF AVERAGE WEEKLY BENEFIT - FATAL
U.S.L. ACT

		10/1/2009		
1. Effective Date of Comp Law				
2. Rate of Compensation (a)	0.2000	0.2500	0.5000	0.6667
3. Minimum Weekly Benefit	xx	xx	xx	xx
4. Maximum Weekly Benefit	1,224.66	1,224.66	1,224.66	1,224.66
5. Effective Wage for #3 (NAWW)	612.33	612.33	612.33	612.33
6. Effective Wage for #4 (#4 / #2)	6,123.30	4,898.64	2,449.32	1,836.99
7. Average Weekly Wage	914.73	914.73	914.73	914.73
8. Ratio to Average for #3 (#2 * #5 / #7)	0.134	0.167	0.335	0.446
9. Ratio to Average for #5 (#5 / #7)	0.669	0.669	0.669	0.669
10. Ratio to Average for #6 (#6 / #7)	6.694	5.355	2.678	2.008
11. Line #8 Adjusted to Nearest .05	0.15	0.15	0.35	0.45
12. Line #9 Adjusted to Nearest .05	0.65	0.65	0.65	0.65
13. Line #10 Adjusted to Nearest .05	6.70	5.35	2.70	2.00
14. B for #11	0.13	0.13	3.60	9.65
15. B for #12	28.20	28.20	28.20	28.20
16. B for #13	100.00	100.00	99.21	96.12
17. #16 - #15	71.80	71.80	71.01	67.92
18. #14 / #2	0.65	0.52	7.20	14.48
19. A for #11	0.72	0.72	9.19	20.28
20. A for #12	45.91	45.91	45.91	45.91
21. A for #13	100.00	100.00	99.78	98.66
22. #9 * (#20 - #19)	30.23	30.23	24.57	17.15
23. #10 * (100 - #21)	0.00	0.00	0.59	2.69
24. Limit Factor as % (#17 + #18 + #22 + #23)	102.68	102.55	103.37	102.24
25. Effective Average Weekly Wage (#24 * #7 / 100)	939.24	938.06	945.56	935.22
26. Average Weekly Benefit (#25 * #2)	187.85	234.52	472.78	623.48

(a) From Fatal Benefit Levels, Exhibit I

EXHIBIT IX

CALCULATION OF AVERAGE WEEKLY BENEFIT - TOTAL DISABILITY
DELAWARE ACT

(I) Workers at Maximum	
1. Maximum Weekly Compensation	609.82
2. Statewide Average Weekly Wage	914.73
3. Minimum Wage to Receive Maximum Benefits	914.73
4. Ratio #3 / #2	1.000
5. #4 to Nearest 0.05	1.00
6. A for #5	75.38
7. 100 - #6	24.62
8. #1 * #7 / 100	150.1377
(II) Workers at 2/3 Wages	
9. Maximum Wage	914.72
10. Minimum Wage	304.93
11. #9 / #2	1.000
12. #10 / #2	0.333
13. #11 to Nearest 0.05	1.00
14. #12 to Nearest 0.05	0.35
15. B for #13	59.11
16. B for #14	3.60
17. #15 - #16	55.51
18. (2/3) * #2 * #17 / 100	338.5111
(III) Workers at Intermediate Minimum (2/9 SAWW)	
19. Maximum Wage	304.92
20. Minimum Wage	203.28
21. #19 / #2	0.333
22. #20 / #2	0.222
23. #21 to Nearest 0.05	0.35
24. #22 to Nearest 0.05	0.20
25. A for #23	9.19
26. A for #24	1.28
27. #25 - #26	7.91
28. 2/9 SAWW * #27 / 100	16.0789
(IV) Workers at 100% of Wages	
29. Maximum Wage	203.27
30. #29 / #2	0.222
31. #30 to Nearest 0.05	0.20
32. B for #31	0.29
33. #2 * #32 / 100	2.6527
34. #8 + #18 + #28 + #33	507.38

EXHIBIT X

CALCULATION OF AVERAGE WEEKLY BENEFIT - TOTAL DISABILITY
U. S. L. & H. ACT

(I) Workers at Maximum	
1. Maximum Weekly Compensation	1,224.66
2. Statewide Average Weekly Wage	914.73
3. Minimum Wage to Receive Maximum Benefits	1,837.00
4. Ratio #3 / #2	2.008
5. #4 to Nearest 0.05	2.00
6. A for #5	98.66
7. 100 - #6	1.34
8. #1 * #7 / 100	16.4104
(II) Workers at 2/3 Wages	
9. Maximum Wage	1,836.99
10. Minimum Wage	459.25
11. #9 / #2	2.008
12. #10 / #2	0.502
13. #11 to Nearest 0.05	2.00
14. #12 to Nearest 0.05	0.50
15. B for #13	96.12
16. B for #14	13.34
17. #15 - #16	82.78
18. (2/3) * #2 * #17 / 100	504.8090
(III) Workers at 1/2 NAWW	
19. Maximum Wage	459.24
20. Minimum Wage	306.17
21. #19 / #2	0.502
22. #20 / #2	0.335
23. #21 to Nearest 0.05	0.50
24. #22 to Nearest 0.05	0.35
25. A for #23	26.07
26. A for #24	9.19
27. #25 - #26	16.88
28. 1/2 NAWW * #27 / 100	51.6807
(IV) Workers at 100% of Wages	
29. Maximum Wage	306.16
30. #29 / #2	0.335
31. #30 to Nearest 0.05	0.35
32. B for #31	3.60
33. #2 * #32 / 100	32.9303
34. #8 + #18 + #28 + #33	605.83

EXHIBIT XI

CALCULATION OF AVERAGE WEEKLY BENEFIT - SCHEDULE PERMANENT PARTIAL DISABILITY

Delaware

	(1) Wage Interval		(2) % of Avg. Wage (1) / AWW	(3) % in Wage Bracket Workers	(4) Wages	(5) Avg. Wage AWW*((4)/(3))	(6) Avg. Weekly Benefit		
Under	304.91 (a)		0.00 - 0.33	9.19	3.60	358.33	203.27	(Min)	
Between	304.91 and 914.73 (b)		0.33 - 1.00	66.19	55.51	767.13	511.42	[(5)*.6667]	
Over	914.73		Over 1.00	24.62	40.89	1519.22	609.82	(Max)	
			0.35	1.00					
			<u>SUM OF ((3) * (6))</u>			=	507.33		
			100						

(a) $2/9 \text{ AWW} / (.6667) = 203.27 / 0.6667 = 304.91$
 (b) $2/3 \text{ AWW} / (.6667) = 609.82 / 0.6667 = 914.73$

U. S. L.

	(1) Wage Interval		(2) % of Avg. Wage (1) / AWW	(3) % in Wage Bracket Workers	(4) Wages	(5) Avg. Wage AWW*((4)/(3))	(6) Avg. Weekly Benefit		
Under	1,836.99 (a)		0.00 - 2.01	98.66	96.12	891.18	594.12	[(5)*.6667]	
Over	1,836.99		Over - 2.01	1.34	3.88	2648.62	1224.66	(Max)	
			2.00						
			<u>SUM OF ((3) * (6))</u>			=	602.57		
			100						

(a) $2 \text{ NAWW} / (.6667) = 1,224.66 / 0.6667 = 1,836.99$

EXHIBIT XII

CALCULATION OF AVERAGE WEEKLY BENEFIT
NON-SCHEDULE PERMANENT PARTIAL

	<u>Delaware</u>		<u>U. S. L.</u>	
	Major	Minor	Major	Minor
1. Class of Injury				
2. Effective Date of Comp Law	5/25/2010		10/1/2009	
3. Rate of Compensation	0.2667	0.1667	0.2667	0.1667
4. Minimum Weekly Benefit	0.00	0.00	0.00	0.00
5. Maximum Weekly Benefit	609.82	609.82	1,224.66	1,224.66
6. Effective Weekly Wage for Min. (#4 / #3)	0.00	0.00	0.00	0.00
7. Effective Weekly Wage for Max. (#5 / #3)	2,286.54	3,658.19	4,591.90	7,346.49
8. Average Weekly Wage	914.73	914.73	914.73	914.73
9. Ratio to AWW for Min. (#6 / #8)	0.000	0.000	0.000	0.000
10. Ratio to AWW for Max. (#7 / #8)	2.500	3.999	5.020	8.031
11. Line #9 Adjusted to Nearest .05	0.00	0.00	0.00	0.00
12. Line #10 Adjusted to Nearest .05	2.50	4.00	5.00	8.05
13. B for #11	0.00	0.00	0.00	0.00
14. B for #12	98.34	100.00	100.00	100.00
15. #14 - #13	98.34	100.00	100.00	100.00
16. A for #11	0.00	0.00	0.00	0.00
17. A for #12	99.50	100.00	100.00	100.00
18. 100 - #17	0.50	0.00	0.00	0.00
19. #9 * #16	0.00	0.00	0.00	0.00
20. #10 * #18	1.25	0.00	0.00	0.00
21. Limit Factor as % (#15 + #19 + #20)	99.59	100.00	100.00	100.00
22. Effective Average Weekly Wage (#21 * #8 / 100)	910.98	914.73	914.73	914.73
23. Average Weekly Benefit (#22 * #3)	242.96	152.49	243.96	152.49

EXHIBIT XIII

DELAWARE WAGE DISTRIBUTION TABLE*

R = Ratio to Average Wage

A = Percentage of workers receiving not more than the percentage of the average wage indicated by Column R

B = Percentage of wages received by the percentage of workers in Column A

R	A	B	R	A	B	R	A	B
0.00	0.0000	0.0000	2.35	99.3900	98.0200	4.70	100.0000	100.0000
0.05	0.0600	0.0100	2.40	99.4400	98.1800	4.75	100.0000	100.0000
0.10	0.3300	0.0500	2.45	99.5000	98.3400	4.80	100.0000	100.0000
0.15	0.7200	0.1300	2.50	99.5000	98.3400	4.85	100.0000	100.0000
0.20	1.2800	0.2900	2.55	99.6700	98.8600	4.90	100.0000	100.0000
0.25	2.4500	0.6900	2.60	99.7800	99.2100	4.95	100.0000	100.0000
0.30	5.2900	1.8200	2.65	99.7800	99.2100	5.00	100.0000	100.0000
0.35	9.1900	3.6000	2.70	99.7800	99.2100	5.05	100.0000	100.0000
0.40	14.6500	6.4200	2.75	99.8900	99.5800	5.10	100.0000	100.0000
0.45	20.2800	9.6500	2.80	99.8900	99.5800	5.15	100.0000	100.0000
0.50	26.0700	13.3400	2.85	99.8900	99.5800	5.20	100.0000	100.0000
0.55	33.5400	18.5200	2.90	99.8900	99.5800	5.25	100.0000	100.0000
0.60	40.3300	23.6500	2.95	99.8900	99.5800	5.30	100.0000	100.0000
0.65	45.9100	28.2000	3.00	99.8900	99.5800	5.35	100.0000	100.0000
0.70	50.3100	32.0500	3.05	99.8900	99.5800	5.40	100.0000	100.0000
0.75	54.9900	36.4200	3.10	100.0000	100.0000	5.45	100.0000	100.0000
0.80	59.7800	41.1900	3.15	100.0000	100.0000	5.50	100.0000	100.0000
0.85	62.9000	44.4700	3.20	100.0000	100.0000	5.55	100.0000	100.0000
0.90	66.8500	48.8900	3.25	100.0000	100.0000	5.60	100.0000	100.0000
0.95	72.3700	55.3900	3.30	100.0000	100.0000	5.65	100.0000	100.0000
1.00	75.3800	59.1100	3.35	100.0000	100.0000	5.70	100.0000	100.0000
1.05	78.0500	62.5600	3.40	100.0000	100.0000	5.75	100.0000	100.0000
1.10	80.2800	65.5700	3.45	100.0000	100.0000	5.80	100.0000	100.0000
1.15	83.3400	69.9100	3.50	100.0000	100.0000	5.85	100.0000	100.0000
1.20	85.9600	73.7600	3.55	100.0000	100.0000	5.90	100.0000	100.0000
1.25	88.8600	78.2000	3.60	100.0000	100.0000	5.95	100.0000	100.0000
1.30	90.7500	81.2200	3.65	100.0000	100.0000	6.00	100.0000	100.0000
1.35	92.2600	83.7000	3.70	100.0000	100.0000	6.05	100.0000	100.0000
1.40	93.7000	86.1800	3.75	100.0000	100.0000	6.10	100.0000	100.0000
1.45	94.5400	87.6600	3.80	100.0000	100.0000	6.15	100.0000	100.0000
1.50	95.1000	88.6800	3.85	100.0000	100.0000	6.20	100.0000	100.0000
1.55	95.9300	90.2600	3.90	100.0000	100.0000	6.25	100.0000	100.0000
1.60	96.4300	91.2500	3.95	100.0000	100.0000	6.30	100.0000	100.0000
1.65	96.8800	92.1500	4.00	100.0000	100.0000	6.35	100.0000	100.0000
1.70	97.2700	92.9500	4.05	100.0000	100.0000	6.40	100.0000	100.0000
1.75	97.6000	93.6700	4.10	100.0000	100.0000	6.45	100.0000	100.0000
1.80	97.8300	94.1500	4.15	100.0000	100.0000	6.50	100.0000	100.0000
1.85	97.9900	94.5300	4.20	100.0000	100.0000	6.55	100.0000	100.0000
1.90	98.1600	94.9200	4.25	100.0000	100.0000	6.60	100.0000	100.0000
1.95	98.3800	95.4400	4.30	100.0000	100.0000	6.65	100.0000	100.0000
2.00	98.6600	96.1200	4.35	100.0000	100.0000	6.70	100.0000	100.0000
2.05	98.9400	96.8200	4.40	100.0000	100.0000	6.75	100.0000	100.0000
2.10	99.0000	96.9600	4.45	100.0000	100.0000	6.80	100.0000	100.0000
2.15	99.1100	97.2500	4.50	100.0000	100.0000	6.85	100.0000	100.0000
2.20	99.2200	97.5500	4.55	100.0000	100.0000	6.90	100.0000	100.0000
2.25	99.2800	97.7000	4.60	100.0000	100.0000	6.95	100.0000	100.0000
2.30	99.3300	97.8600	4.65	100.0000	100.0000	7.00	100.0000	100.0000

* Based on data from the Delaware Department of Labor for 2007 and 2008.