

Worker's Compensation
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Worker's Compensation Insurance Letter

INS #	508
Date	February 23, 2016
Program	Claims Management
Type	New Rules
Replaces	None

To: Claims Handling Offices for Insurance Carriers and Self Insured Employers
From: BJ Dernbach, Division Administrator
Subject: Change in Maximum Age for Ending Social Security Offset s. 102.44 (5), Wis. Stats.

Purpose: To announce changes in the maximum age for ending the social security reverse offset under s. 102.44 (5), Wis. Stats.

Background: Under the old law a social security offset ended when an employee reached the age of 65. The maximum age for ending the social security offset has been 65 since the offset went into effect in Wisconsin for compensation payments made on and after July 1, 1980.

New Law: The United States Congress included an amendment to s. 224 (a) of the Social Security Act contained in the Achieving a Better Life Experience (ABLE) Act of 2013. This amendment extends the worker's compensation social security offset to the full retirement age for people who reach age 65 on and after December 19, 2015. The new law provides the offset continues until an employee attains full retirement age.

The full retirement age varies from 65 to 67 depending on the year of birth. The table below shows the age at which a person attains full retirement age.

<u>Year of Birth</u>	<u>Full retirement Age</u>
1937 or earlier	65
1938	65 and 2 months
1939	65 and 4 months
1940	65 and 6 months
1941	65 and 8 months
1942	65 and 10 months
1943 – 1954	66
1955	66 and 2 months
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months
1960 and later	67

The maximum age for applying the social security offset remains at 65 for employees who are 65 years of age before December 19, 2015. The new law does not affect redetermination calculations.

Action Requested: Please notify all personnel who handle Wisconsin claims the social security reverse offset remains in effect until the employee reaches the full retirement age for employees who reach age 65 years on and after December 19, 2015.

Inquiries: For general questions about the applicability and/or ramifications of this new law please call 608-266-1340 and ask for an administrative law judge with the Worker's Compensation Division. For questions regarding specific social security offset worksheets and completing the Social Security Information Request (Form WKC-6156) please call 608-266-1340 and ask for the Computations Unit.

Enclosure: None