

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 616  
HOUSE BILL 455

AN ACT TO PREVENT DOUBLE RECOVERY OF WORKERS' COMPENSATION  
AND UNEMPLOYMENT BENEFITS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 97 of the North Carolina General Statutes is hereby amended by adding a new section following G.S. 97-42 to be designated G.S. 97-42.1 as follows:

**"§ 97-42.1. Credit for unemployment benefits.** – If an injured employee has received unemployment benefits under the Employment Security Law for any week with respect to which he is entitled to workers' compensation benefits for temporary total or permanent and total disability, the employment benefits paid for such weeks may be deducted from the award to be paid as compensation. If an injured employee has received unemployment benefits for any week with respect to which he is entitled to workers' compensation benefits for partial disability as provided in G.S. 97-30, the unemployment benefits paid for such weeks may be deducted from the award to be paid only to the extent that the sum of the unemployment benefits and workers' compensation payable for such week exceeds two-thirds of the injured employee's average weekly wages as determined by the Commission in accordance with G.S. 97-2(5). Benefits payable under G.S. 97-31 for permanent partial disability or other permanent injury shall not be subject to reduction because of the receipt of unemployment benefits."

Sec. 2. Chapter 96 of the North Carolina General Statutes is hereby amended by adding a new sentence following G.S. 96-13(a)(4) to read:

"Provided that if compensation is denied to any individual for any week under the foregoing sentence and such individual is later determined not to be totally disabled, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which the compensation was denied solely by reason of the foregoing sentence."

Sec. 3. This act is effective upon ratification and Section 1 shall apply to injuries sustained after the date of ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.