Office of Workers’ Compensation (OWCP)
Module 17

National Guard Technician Personnel Management Course

Topics to be Covered

• Overview of the Federal Employees’ Compensation Act (FECA)
• Primary benefits provided under the FECA
• Types of Injuries and Initiating Claims
• Conditions of Coverage
• Continuation of Pay (COP) and Controversion

Topics to be Covered

• Supervisor Responsibilities
• Containing OWCP Costs
• Record Keeping
• Automated Systems
• Internet Resources and References
Overview of the FECA

- Federal Employees’ Compensation Act (FECA) passed in 1916
- Benefits provided
- DOL Chargeback System
- Remedial in nature
- Non-adversarial – an attorney is not required
- Sole remedy

Overview of the FECA (cont’d)

- Program Administration
- OWCP Adjudicates Claims
- Privacy Act
- HIPAA

Primary Benefits Provided under the FECA

Medical Benefits:
- Services, appliances, and supplies
- Treatment
- Preventive care is not authorized
- Fee Schedules
- Chiropractor
Primary Benefits Provided under the FECA

Continuation of Pay (COP)
- Intent is to avoid interruption of pay while the claim is adjudicated
- 45 calendar days
- Traumatic Injury - ONLY

Primary Benefits Provided under the FECA

Wage Loss Compensation
- Traumatic Injury
- Occupational Disease Claim
- Death

Primary Benefits Provided under the FECA

- Schedule awards
- Vocational rehabilitation
- Loss of Wage-Earning Capacity (LWEC)
- Death Benefits
Conditions of Coverage

• Timely Filing of Claim
• Federal Civilian Employee
• Fact of Injury
• Performance of Duty
• Causal Relationship

Timely Filing

Employee has three years from:
• Date of Injury
• Date of First Awareness
• Date of Last Exposure

Civil Employee

• FECA covers all civilian employees except for non-appropriated fund employees
• Temporary employees covered on the same basis as permanent employees
• Contract employees, volunteers, and loaned employees are covered under some circumstances
Fact of Injury

- Factual – Actual occurrence of an accident, incident, or exposure in time, place, and manner alleged
- Medical – Medical condition diagnosed in connection with that accident, incident, or exposure

Performance of Duty

- Injury occurred while performing assigned duties or engaging in an activity reasonably associated with the employment
- Injury occurred on work premises
- Injury occurred off premises while engaging in work activity

Causal Relationship

- Link between work-related exposure/injury and any medical condition found
- Based entirely on medical evidence provided by physicians who have examined and treated the employee
- Opinions of employee, supervisor, or witnesses not considered nor is general medical information contained in published articles
Causal Relationship

Four Types
- Direct Causation
- Aggravation
- Acceleration
- Precipitation

Statutory Exclusions
- Willful Misconduct - deliberate and intentional disobedience of rules/orders – not carelessness
- Drug or Alcohol Intoxication – proximately caused the injury
- Intent to Injure Self or Others – intent must be established

Initiating a Claim for a Traumatic Injury

Traumatic Injury:
- Wound or other condition of the body caused by external force, including stress or strain
- Caused by specific event or series of events or incidents within a single day or work shift
Initiating A Claim for a Occupational Disease

Occupational Disease:

• Definition: Condition produced over a period longer than one workday or shift

• COP is not provided for Occupational Diseases

• CA-16 is not issued for Occupational Diseases

A clear difference?

• Usually, but not always

• Back pain or strain could be either

• Injury – Sudden pain or strain from activities not a part of normal job

• Disease/illness – Gradual back pain and strain from normal job duties

Initiating a Claim for a Traumatic

• The CA 1 form is used to initiate a claim for a traumatic injury

• The CA 1 form is submitted via ECOMP

• Must be submitted to employing agency within 30 days of date of injury to be eligible for COP

• Must be transmitted to OWCP within ten workdays from date agency received form
Supervisor’s Role Related to a Traumatic Injury

- Ensure technician receives medical treatment as appropriate
- Discuss and review facts surrounding the incident
- Review claim form in ECOMP and forward to HR within 3 days
- Authorize medical care if needed by completing a Form CA 16 within 48 hours

ECOMP – Filing a Claim

The ECOMP Claims Process

- CA 2 form is used to initiate a claim for an occupational disease
- CA 2 form is submitted to OWCP via ECOMP
- Must be transmitted to OWCP within ten workdays from date agency receives form
- Three year statute of limitation
Supervisor’s Role in a Occupational Disease Claim

- Ensure technician receives medical treatment as appropriate
- Discuss and review the facts surrounding the disease
- Review the OSHA 301 Form in ECOMP and forward to OSHA Record Keeper
- Review/complete the CA 2 Form in ECOMP and forward to HR within 3 days of receipt

Supervisor’s Role in a Occupational Disease Claim

Provide Appropriate Occupational Disease Checklist:
- CA-35a – Occupational Disease in General
- CA-35b – Hearing Loss
- CA-35c – Asbestos-Related Illness
- CA-35d – Coronary/Vascular Condition
- CA-35e – Skin Disease
- CA-35f – Pulmonary Illness (not Asbestosis)
- CA-35g – Psychiatric Illness
- CA-35h – Carpal Tunnel Syndrome

Wage Loss/Permanent Impairment

- A technician who can not return to work when COP ends or who is not entitled to COP may claim compensation for wage loss
- Compensation rate 66 2/3% without dependents
- Compensation rate 75% with dependents
- The technician is coded as LWOP
- 3-day waiting period
CA – 7 (Claim for Compensation)

- Form to claim wage loss
- Form is to be submitted to OWCP within 5 days of receipt
- Loss of Wage-Earning Capacity (LWEC)
- Leave repurchase
- Schedule awards for permanent impairment

CA - 20 (Attending Physicians Report)

- Provides medical support for claim
- Submitted to OWCP along with CA -7 or can be submitted whenever there is a need to provide OWCP with medical information
- Prepared by the attending physician
- Requests information on diagnosis, prognosis, history of injury, prima facie statement of causal relationship

CA - 17 (Duty Status Report)

- Interim medical report about employee’s fitness for duty and work capabilities
- May be issued initially with CA 16
- Supervisor/Agency completes agency portion by describing physical requirements of the employee’s job and noting the availability of light or limited duty
- Agency can send to physician at any time during life of claim but not more than once a week
Challenging Validity of Claim

- Investigate circumstances and report results to OWCP
- Must be supported by specific factual evidence
- Attach detailed statement describing circumstances behind challenge

- Include specific evidence: witness statements, accident investigations, timecards etc.
- Pay COP (if applicable) pending OWCP decision
- Authority to determine any aspect of claim rests with OWCP. While agency is entitled to explanation of basis for OWCP action, it must accept determination rendered

Appeal Rights

- Appeal Board
- Reconsideration
- Oral Hearing
Penalties

- Anyone who knowingly and willfully falsifies, conceals or covers up a material fact;
- Makes a false, fictitious, or fraudulent statement or representation may be subject to these penalties;
  - Fine
  - 5 years imprisonment
  - Both

Third Party Claims

- Circumstances
- Agency
- Continued benefits

OPM

- While on OWCP long-term rolls time continues to run for within grade increases and leave category changes
- National Guard Dual Status employees are not guaranteed reemployment in the same position or its equivalent when:
  - disability is overcome and
  - the employee can return to work within one year from the beginning of compensation
- This one year rule does not apply to Dual Status Employees
Initiating a Claim for Recurrence

• A spontaneous return or increase of disability due to a previous injury or occupational disease without intervening cause, or a return or increase of disability due to a consequential injury

• No event other than the previous injury accounts for the disability

• A recurrence of a medical condition is defined as a documented need for further medical treatment for the accepted condition or injury when there is no accompanying work stoppage

Initiating a Claim for Recurrence

• Claim for Recurrence of Disability – CA-2A
  – Employee (or someone on her/his behalf, including supervisor) completes form
  – Supervisor completes back

• Submit to OWCP

• Employee should arrange for submission of factual and medical evidence described in the form instructions

Initiating a Claim for Death Benefits

• When an employee dies because of an injury incurred in the performance of duty, the supervisor/agency should immediately notify the district office via phone or fax

• The supervisor/agency should contact any survivors, provide them with claim forms, and help them prepare the claim

• CA-5 or CA-5b used to submit claims for death benefits

• Supervisor/Agency uses form CA-6 to report the work-related death of an employee
Continuation of Pay

- Continuation of an employee’s regular pay by the employing agency with no charge to sick or annual leave
- **Traumatic injury cases only!**
- 45 calendar days per injury – maximum
- Written Notice of Injury within 30 days from the date of injury
- Medical evidence within 10 calendar days (CA–1)

Controverting COP

- Agency may controvert (not pay) COP only
- Disability is a result of occupational disease or illness
- Employee is within the exclusions of 5 USC 8101(1)(B) or (E)
- Employee is neither a citizen nor resident of the US or Canada

Controverting COP, Cont’d

- Injury occurred off the agency’s premises and the employee was not engaged in official “off premises” duties
- Employee’s willful misconduct, intentional harm or death, or proximate intoxication
- Injury not reported within 30 days of injury
Controverting COP, Cont’d

- Indicate controversion on CA-1 and attach narrative statement and specific evidence substantiating controversion
- Advise employee of controversion
- Can also terminate COP if no prima facie medical evidence is received within ten calendar days

Controverting COP, Cont’d

- Work stoppage first occurred more than 45 days after the injury
- Employee reported injury after employment was terminated
- Employee is enrolled in Civil Air Patrol, Peace Corps, or other group covered by special legislation

Supervisor Responsibilities

- Encourage safe work habits and conditions and enforce safety regulations
- Advise employees on rights and responsibilities
- Report injuries promptly
- Complete and submit forms in timely manner (ECOMP)
  - CA-1 and CA-2 within ten workdays of receipt
  - CA-7 within five workdays of receipt
Supervisor Responsibilities, Cont’d

• Assist employees in returning to work
• Represent the agency’s interest
• Challenge questionable claims
• Keep in contact with employee
• Help manage compensation costs

Containing OWCP Costs

• Timely submission
• Challenge Questionable Claims
• Track Injured Employee’s Medical Status and availability for work
• Offer Light Duty

Containing OWCP Costs

• Report injuries through ECOMP within ten workdays
• Submit CA-7s within five workdays
• Timely submission
  – Enables prompt adjudication and medical management of claim
  – Ensures compliance with the SHARE initiative and federal regulations
Containing OWCP Costs

Challenge Questionable Claims

• OWCP accepts employee statement as factual unless agency provides refuting evidence
• Agency does not have post adjudicative appeal rights
• Include actual evidence rather than conjecture or opinion

Containing OWCP Costs

Track Injured Employee’s Medical Status

• Maintain constant contact with employee
• Request frequent medical updates – in writing from physician
• Cooperate with OWCP nurses, Claims Examiners, Vocational Rehabilitation Specialists, and Workers’ Compensation Specialists/Injury Compensation Specialists

Offer Light Duty

• Match employee’s physical limitations to your particular needs
• Can be temporary positions
• Benefits of offering light duty:
  – Improves morale for both injured worker and remainder of workforce
  – Each day employee remains out of work reduces likelihood s/he will ever return
Containing OWCP Costs

Light Duty Offers:

- Can be made verbally but must be followed-up in writing within two business days
- Must include: job description, physical demands of position, organizational and geographical location, date available, date response required
- If employee refuses, notify OWCP immediately

Light Duty

Responsibility of:

- The supervisor to try to accommodate the return of an employee on light duty
- The HRO to officially reassign an employee to another position if necessary
- The employee to cooperate

Supervisor’s OWCP Goals

- To minimize workplace hazards
- To minimize worker injuries & disease
- To minimize agency costs