



ADS Chapter 442

The Workers' Compensation Program

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ADS Chapter 442 –The Workers’ Compensation Program**

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ADS Chapter 442 – The Workers’ Compensation Program

442.1 OVERVIEW

Effective Date: 12/31/2007

This chapter provides USAID policy directives and required procedures regarding the Federal Employees’ Compensation Act (FECA). This statute authorizes [compensation](#) benefits to civilian Federal employees for disability, due to personal injury, disease, or illness sustained while in the performance of duty. It also authorizes the payment of benefits to [dependents](#) if a work-related injury or disease causes an employee’s death. This chapter also outlines Agency procedures and obligations with respect to claims processing, claims management, and the workers’ compensation program operation as it pertains to Federal employees.

442.2 PRIMARY RESPONSIBILITIES

Effective Date: 12/31/2007

a. The Office of Workers’ Compensation Programs (OWCP), U.S. Department of Labor, is responsible for the following:

- (1) Administering the Federal workers’ compensation program government-wide,
- (2) Adjudicating claims in accordance with applicable regulations, and
- (3) Managing any medical or compensation payments that may be authorized.

b. The Office of Human Resources (HR), Employee and Labor Relations Division (HR/ELR), is responsible for providing overall administration and management of FECA responsibilities in USAID, including the following:

- (1) Coordinating FECA claims with the OWCP and various offices within USAID to facilitate timely processing of claims and related paperwork;
- (2) Monitoring [Continuation of Pay \(COP\)](#) entitlements and payments;
- (3) Validating Chargeback Billing Reports with the Bureau for Management’s Office of Chief Financial Officer (M/CFO) and the Office of Inspector General (OIG), as appropriate;
- (4) Facilitating placement of employees returning to work;
- (5) Maintaining proper documentation for all claim cases pending and processed; and

(6) Sharing claims information with the Agency's Safety and Health Manager for assessment and investigation of safety and health program implications.

c. The Office of Human Resources (HR), Civil Service Personnel (HR/CSP) and Foreign Service Personnel (HR/FSP) Divisions, are responsible for the following:

(1) Working with Bureau/Independent Office (B/IO) management staff to identify and offer positions to employees who recover from covered injuries and illnesses, and/or to identify **light or limited duty** positions for qualifying partially disabled employees who are cleared to work;

(2) Coordinating reassignments, reemployment, and **rehabilitation** of approved claimants; and

(3) Informing HR/ELR regarding potential adverse personnel actions involving employees who have filed work-related injury or illness claims.

d. The Office of the Inspector General (OIG), the Assistant Inspector General for Management (OIG/A/M), is responsible for the following:

(1) OWCP claims filed by OIG employees in Washington and overseas,

(2) Payment of chargeback bills associated with OIG claims, and

(3) Identifying light or limited and other positions for employees cleared to return to work.

e. The Bureau for Management (M), Office of the Chief Financial Officer (M/CFO) is responsible for the following:

(1) Providing HR/ELR with quarterly (or more frequent) COP reports,

(2) Establishing procedures for processing employees approved requests for repurchase and recrediting of leave,

(3) Reviewing/reconciling, with HR/ELR, and paying OWCP's Federal Employees' Compensation Assessment bills associated with claims for USAID, and

(4) Ensuring appropriate cost allocation to OIG for payment.

f. The Bureau for Management (M), Office of Administrative Services (M/AS) is responsible for the following:

- (1) Investigating, assessing, and making appropriate action and abatement recommendations concerning safety and health aspects of all reported work-related traumatic injuries and illnesses,
- (2) Providing Agency employees with appropriate safety education and training, and
- (3) On request by the OWCP and/or HR/ELR, providing data or information to OWCP and/or HR/ELR to support or controvert a claim.

g. The Office of Medical Service, Department of State (M/MED) is responsible for the following:

- (1) Evaluating employees' original or continuing entitlements to benefits, the percentage of the employee's permanent impairment or ability to return to full or light or limited duty, or other issues connected with a claim;
- (2) Releasing to HR/ELR all medical records, forms, and reports related to a claim, whether or not it was accepted;
- (3) Communicating with an employee's personal [physician](#) to clarify medical evidence, and to advise physician of supportive treatment that the Agency can provide;
- (4) Having a physician review controversial and complex cases, including medical reports received from the OWCP, to help HR/ELR recommend or determine a course of action; and
- (5) Cooperating with HR/ELR regarding the return of employees to duty as soon as medically feasible.

h. Bureau/Independent Office (B/IO) management staff is responsible for the following:

- (1) Advising supervisors and counseling employees of their responsibilities and rights under the workers' compensation program;
- (2) Helping employees and supervisors complete OWCP claim forms;
- (3) Monitoring COP to ensure employee compliance with regulations;
- (4) Monitoring compensation claims for fraud, waste, and abuse, and referring suspected fraud or otherwise questionable cases to HR/ELR;

(5) Coordinating with the Office of the General Counsel (GC) and HR/ELR on claims that appear to involve third parties; and

(6) Working with supervisors to ensure that light or limited duty and other positions are available, according to medical limitation, for employees returning to work.

i. **Executive Officers (EXOs) - Overseas posts only.** EXOs must maintain a log for every injury or illness, and update the log monthly. The log must include the date of injury, the date that the report was received, the type of injury or illness, the employee's employment status, and a brief description of how the injury or illness occurred.

j. **Supervisors** are responsible for complying with all other FECA Program requirements, with assistance, as necessary from OWCP, HR/ELR and/or their own management staff, including completing the following

(1) Reviewing and completing initial reporting forms within the timeframe allowed by regulation,

(2) Authorizing medical treatment,

(3) Counseling employees about COP,

(4) Determining whether a claim should be controverted,

(5) Offering light or limited duty assignments for employees who are able to return to work,

(6) Encouraging their employees' compliance with safety and health regulations, and

(7) Enforcing safety and health regulations and safe work practices.

k. **Employees** are responsible for the following:

(1) Complying with FECA regulations with respect to reporting work-related injuries or illnesses promptly;

(2) Completing claim forms within required timeframes;

(3) Reporting for medical examination or treatment, as described by established procedures or as directed by supervisor; and returning to regular or light or limited duty as soon as medically possible;

- (4) Cooperating with USAID and OWCP throughout the claims and compensation process;
- (5) Observing safety instructions, procedures, and regulations;
- (6) Reporting unsafe conditions to the Safety and Health Manager; and
- (7) Consulting the Web-site on Federal Injury Compensation at <http://inside.usaid.gov/M/HR/owcp.htm> if additional information is needed.

442.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES
Effective Date: 12/31/2007

The following subsections describe the policy directives and required procedures concerning workers' compensation.

442.3.1 Basic Benefits
Effective Date: 12/31/2007

This subsection describes the basic benefits of the worker's compensation program.

- a. USAID authorizes appropriate medical treatment for an employee disabled due to personal injury or disease or illness sustained while in the performance of duty. USAID will help an employee file an Office of Workers' Compensation Program claim.
- b. No employee will be denied the right to file an OWCP claim.
- c. USAID monitors all OWCP claims and will seek to provide, where practicable, appropriate light duty assignments (consistent with medical limitations) to partially disabled employees.
- d. The Agency requests that the OWCP offer rehabilitative training, where practicable, to long-term claimants who have fully or partially recovered.
- e. USAID must not coerce an employee into resigning because of a work-related injury or [occupational disease or illness](#) for which a claim has been approved by the OWCP.
- f. USAID must reassign a recovering disabled employee to another position with a similar grade and job series, when such a position can be identified.
- g. USAID may require an employee, who has applied for or is receiving COP or compensation as a result of a work-related injury or occupational disease or illness, to report for an examination to determine medical limitations that may affect Agency placement decisions.

- h. Written notice of [traumatic injury](#) or of an occupational disease or illness must be given to the supervisor by the employee as soon as possible, but no later than 30 days from the date of injury or disease. If the employee is incapacitated, this action may be taken by someone acting on the employee's behalf, including a family member, union official, the employee's supervisor or other representative.
- i. If death due to traumatic injury occurs, the supervisor must notify the OWCP district office and survivors immediately. Claims for compensation must be filed within a period of three years as explained in 442.3.1.6.
- j. USAID approves/disapproves an employee's request to buy back leave used during a period of disability that was caused by an occupational disease or illness or traumatic injury.
- k. HR separates an employee when it appears that there is little prospect that the employee will return to work because of a physical or mental disability.
- l. Employees are generally eligible for medical benefits, COP, disability compensation, [schedule awards](#), vocational rehabilitation, and death benefits, including funeral benefits and survivor compensation. The FECA program applies to temporary or permanent, and partial or total disabilities incurred as a result of a work-related disease, illness, or traumatic injury.

442.3.1.1 Medical Benefits

Effective Date: 12/31/2007

Payments are made for any reasonable medical services to counteract or minimize the effects of a work-related disease, illness, or injury approved as compensable. There is no monetary or time limit on medical expenses as long as the need for medical treatment can be substantiated and connected to the work-related disease, illness, or injury. Payment will be made for first aid, medical treatment, transportation or hospitalization, physicians' fees, drugs, and appliances or other supplies directed by a qualified physician for use. The employee may elect to be treated by a government physician, if available, or by a physician of their choice. Payment will not be made for preventive treatment. For emergency first aid treatment, an employee can elect any qualified physician.

442.3.1.2 Continuation of Pay (COP)

Effective Date: 12/31/2007

The FECA provides that an employee's regular pay may be continued for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury. Any portion of a [day](#) in which there is absence from work counts as a full day toward the 45-day maximum for that injury. The first day of COP must be taken within 90 days of the date of injury. An employee may elect to use annual or sick leave to cover all or part of an absence due to injury. Each full or partial day for which leave is taken will be counted against the 45 days of entitlement. While an employee may use

COP intermittently along with sick or annual leave, entitlement is not extended beyond 45 days of combined absence. American and Canadian employees are eligible to receive this benefit.

After COP is exhausted, the employee may apply for compensation or may use leave.

An employee who claims a work-related disease or illness is not entitled to COP.

442.3.1.3 Compensation Benefits

Effective Date: 12/31/2007

An employee must be in a leave-without-pay status before compensation for wage-loss is payable.

In establishing an employee's wage rate to determine compensation, certain additional amounts may be included in earnings, e.g., premium pay and housing allowance. Overtime is never included. At the present time, compensation payments are not subject to Federal income tax. An employee must be in a leave-without-pay status before compensation for wage loss is payable. When medical evidence no longer supports disability, the OWCP will take steps to effect reemployment.

a. Total Disability Compensation

Compensation is payable after the end of COP or the beginning of pay loss, where entitlement is established.

An employee without dependents receives compensation at 66 2/3 percent of their salary; with dependents, an employee is entitled to 75 percent of their salary.

A three-day waiting period for which no compensation is payable typically applies, except in cases of permanent disability.

Compensation for [total disability](#) will continue as long as medical evidence supports total disability. There is no total dollar maximum or time limitation.

b. Partial Disability Compensation

Compensation is at the same rate for total disability (66 2/3 and 75 percent) and is paid for the duration of the wage loss.

If an injury is so severe that an employee is unable to care for their physical needs, an attendant's allowance may be paid, in addition to compensation. An employee who believes he or she is entitled to such an allowance must contact OWCP district office by letter for instructions on how to apply for this benefit.

Schedule Awards

Compensation is provided for specified periods of time for the permanent loss or loss of use of certain body parts and functions; partial loss or loss of use of these parts and functions is compensated on a proportional basis. For example, if there is a serious disfigurement of the head, face, or neck, which results from a work-related injury, the employee is entitled to a fixed sum. Schedule awards may also be paid while an employee is receiving sick or annual leave pay, drawing retirement benefits, working within the private sector, or is self-employed. Employees cannot receive wage loss compensation and schedule award benefits concurrently for the same injury. Compensation can be paid even if the employee returns to work at full salary.

Home/Vehicle Modification

An employee, whose injury restricts mobility and independence in the normal functions of living, either permanently or for a prolonged period, may be entitled to house/vehicle modifications. Examples of such conditions include blindness, profound bilateral deafness, and total loss of use of limbs, such as if prosthesis, wheelchair, or leg brace is required. An employee may apply for such modifications by narrative letter. They must be recommended by the attending physician and the modified house or vehicle must be consistent with the employee's pre-injury standard of living.

442.3.1.4 Vocational Rehabilitation

Effective Date: 12/31/2007

The FECA at 5 U.S.C. 8104 provides for vocational rehabilitation services to assist disabled employees in returning to gainful employment, consistent with their physical, emotional and educational abilities. An employee with extended disability may be considered for rehabilitation services if requested by the attending physician, the employee, or Agency personnel. In addition, OWCP will routinely consider a case for rehabilitation services if the agency cannot reemploy the employee.

If the request for rehabilitation is approved, the employee is referred to a state or private Rehabilitation Counselor for development of a rehabilitation plan. A plan may include one or more of the following: selective placement with the previous employer, placement with a new employer, counseling, guidance, testing, work evaluation, training, and job follow-up. When suitable jobs are identified, OWCP expects the employee to return to work and will determine entitlement to future compensation. OWCP will provide 90 days of placement services.

An employee in an approved vocational rehabilitation program may be paid an allowance in connection with the program, not to exceed \$200 per month. The employee is also entitled to compensation at the rate for total disability during the rehabilitation program.

442.3.1.5 Death Benefits

Effective Date: 12/31/2007

Survivors of employees who die as a result of a work-related injury or illness are entitled to certain death benefits, payable if a claim is filed by eligible beneficiaries. The employee's official supervisor must complete Official Superior's Report of Employee's Death form (CA-6). If the employee is survived by a spouse and/or children, the Claim for Compensation by Widow, Widower, and/or Children form (CA-5) must be filed. If the employee is survived by parents, brothers, sisters, grandparents or grandchildren, a Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren (CA-5b) is required. These forms must be submitted to OWCP, even if a disability claim has been filed and benefits paid. Continuation of benefits is not automatic; beneficiaries must show that the death resulted from the same condition for which the disability claim was accepted.

a. Compensation Payments

- A surviving spouse with no eligible children is entitled to compensation at the rate of 50% of the deceased employee's salary. Benefits, including cost of living increases, are paid to the spouse until death or remarriage before age 55. If a spouse under age 55 remarries, OWCP makes a lump-sum payment equal to 24 times the monthly compensation at the time of remarriage; no additional compensation will be paid. Remarriage after the age of 55 does not affect benefits.
- A surviving spouse who has eligible children is entitled to compensation at the rate of 45 percent of the deceased employee's salary. An additional 15 percent is payable for each child, to a maximum of 75 percent of the deceased employee's salary payable on a "share and share alike" basis.
- If the deceased employee leaves no spouse, the first child is entitled to 40 percent and each additional child, 15 percent, in the manner described above.
- OWCP determines if other survivors are entitled to compensation. These individuals must contact OWCP regarding claims.

b. Funeral and Burial Expenses

Up to \$800 in funeral and burial expenses will be paid for funeral and burial expenses. An additional \$200 is payable for administrative costs incurred in closing the employment status of the deceased employee. All expenses incurred while transporting the body from the place of death to the place of burial, e.g., when the employee died while on travel duty, are payable.

442.3.1.6 Conditions of Coverage

Effective Date: 12/31/2007

An employee whose claim does not meet the basic requirements of time, civil employee, fact of injury, performance of duty and causal relationship, in that order, will receive a formal denial of benefits with appeal rights. Also, an employee has certain retention rights while recovering from a work-related injury; for OWCP purposes, these rights apply only to OWCP-approved claims.

a. Time

For injury or death, the law provides that a claim for compensation must be filed within three years of the injury or death. Even if the claim is not filed within three years, however, compensation may still be allowed if written notice of injury was given within 30 days or the immediate supervisor had actual knowledge of the injury or death within 30 days of the occurrence. The supervisor may acquire actual knowledge through firsthand observation of the incident, from another employee, or from medical personnel. OWCP may excuse failure to comply with the three year time requirement because of exceptional circumstances (for example, being held prisoner of war).

For traumatic injury, the statutory time limitation begins to run from the date of injury. Where death is due to traumatic injury, time begins to run from the date of death.

b. Civilian Employee

If the claim is timely filed, it must be determined whether the injured or deceased individual was an "employee" within the meaning of the law. This is always the second requirement.

The FECA program covers all civilian Federal employees except non-appropriated fund employees. Temporary employees are covered on the same basis as permanent employees. Contract employees, volunteers, and loaned employees are covered under some circumstances; such determinations must be made on a case-by-case basis once a claim is filed. Federal employees who are not citizens or residents of the United States or Canada are covered, subject to certain special provisions governing their pay rates and computation of compensation payments.

c. Fact of Injury

An employee must identify factors that allegedly caused the disability. The two factors involved are:

- (1) Did an incident occur at the time and place and in the manner claimed? An injury need not be witnessed be compensable, but its history must be consistent with related facts and circumstances.

(2) Is a medical condition present which may be related to the incident? This is determined on the basis of the attending physician's statement.

d. Performance of Duty

(1) Generally, once an employee is on work premises during normal working hours, s/he is presumed to be on duty, unless circumstances indicate otherwise. Activities such as altercations, willful misconduct and intoxication, even though they occur on the job, may remove an employee from the performance of duty. Employees injured off the premises, including travel to and from work, generally are not covered unless they are in a special duty status, i.e., travel duty or using a government vehicle.

(2) Coverage is extended to workers - such as chauffeurs and messengers who perform service away from the Agency's premises, employees sent on errands or special missions, and employees who perform service at home – if the injury was so associated with work as to bring it within the scope of the performance of duty.

(3) Injuries incurred under other circumstances will be determined on a case-by-case basis by OWCP.

e. Causal Relationship

The employee must show that his/her injury was caused by or aggravated, accelerated, or precipitated by employment factors. Medical certification must cite a relationship between the claimed injury and employment. An employee who initially shows that a disability is work-related may be asked to submit to further medical evaluations to determine if the disability continues to be work-related.

f. Statutory Exclusions

(1) Benefits will be denied if the Agency or the OWCP proves that the employee engaged in willful misconduct, intoxication, or intention to bring about injury or death to oneself or another.

(2) Payment of compensation and certain other federal benefits, e.g., regular or disability annuity paid by the U.S. Office of Personnel Management or under the Foreign Service retirement systems, at the same time is prohibited. Allowable concurrent compensation includes military retired pay, social security payments, and unemployment benefits.

442.3.2 Hearing, Reconsideration, or Appeal

Effective Date: 12/31/2007

This subsection describes the process that OWCP has established for handling employee claims.

a. Decision and Notification

Employees will be notified in writing by OWCP of the approval/disapproval of their claims. Employees also will be notified of their obligations to return to work after total or partial recovery.

b. Appeal

An employee may appeal a [formal decision](#) to OWCP with which s/he disagrees, but may request only one form of appeal at a time.

c. Hearing

An employee may request an oral hearing before an OWCP representative or a review of the written record, but not both. The request must be made in writing with 30 days after the date of the formal decision.

d. Reconsideration

An employee may ask the OWCP to reconsider a formal decision made by the district office. The request must be made within one year of the date the contested formal decision was issued, and must specify the grounds for reconsideration.

e. Further Appeal

An employee may ask the Employees' Compensation Appeals Board (ECAB) to review the OWCP's final decision. If the employee resides in the continental United States or Canada, the appeal request for review must be submitted within 90 days of OWCP's final determination; if the [claimant](#) resides elsewhere, the request for review must be submitted within six months of the formal decision. To file an appeal, the employee must write to the following address:

Employees' Compensation Appeals Board
U.S. Department of Labor
Washington, DC 20210

No new evidence may be filed with an appeal; the ECAB review is based on the case record presented before the OWCP when the decision was made.

442.3.3 Special Considerations

Effective Date: 12/31/2007

This subsection discusses special circumstances that need to be evaluated under the worker's compensation program.

a. Coverage While in Travel Status

Civil or Foreign Service employees on official travel status are covered by the FECA. Coverage is provided 24 hours a day for all reasonable incidents of travel, including securing meals and using lodging facilities. Recreational activities may be covered; however, USAID must explain what benefit it derived from the employee's participation, the extent to which USAID sponsored or directed the activity, and whether the employee's participation was mandatory or optional.

b. Personal Service Contractors (PSCs)

U.S. citizens or residents hired under a personal service contract retain the same benefits as direct-hire employees. However, Foreign Service nationals hired under a PSC are ineligible for COP..

c. Foreign Service Nationals (FSNS)

Compensation under the FECA is payable to FSNs in amounts determined by the OWCP, which will base its compensation rates on local workers' compensation laws, regulations, and customs. FSNs employed in a country or area which has no well-defined workers' compensation benefits structure will be accorded the benefits provided in a nearby country. The compensation for disability and death, whether paid under local law or special schedule developed for the country, will not exceed that generally payable under the FECA.

442.3.4 General Benefits

Effective Date: 12/31/2007

This subsection describes the general benefits of the worker's compensation program.

a. Restoration Rights

Federal employees who have fully or partially recovered from work-related injuries have certain job retention rights.

Full Recovery: An employee who recovers within one year of beginning compensation has mandatory restoration rights to his/her former position or its equivalent, regardless of whether s/he is on the Agency's rolls.

Partial Recovery: If recovery occurs after one year, the employee is entitled to priority consideration, provided that application is made within 30 days of the date

compensation ceases. If the employee is partially recovered, the Agency must make every effort to restore him/her to his/her former position, according to the circumstances of the case.

b. Leave Repurchase

Subject to OWCP approval, an employee has the option of buying back leave used as a result of a work-related injury or illness. The employee must request that the leave record be changed to leave without pay within one year after the date leave was used or the date the claim was accepted, whichever is later. The request must be based on an OWCP accepted claim and must be justified by medical evidence supporting the periods of absence. The employee may choose to repay USAID directly for the salary collected and request reimbursement directly from the OWCP. Alternatively, the employee may authorize the OWCP to pay the Agency directly for the periods of absence, which it will apply to the uncollected salary. USAID may seek payment of any balance or refund any difference. The CIO will restore the purchased leave to the employee's leave account in accordance with established procedures.

c. Health Benefits/Optional Life Insurance

The OWCP will make deductions for Federal Employee's Health Benefits coverage for claimants who are entitled to continue enrollment while receiving compensation. Basic coverage under the Federal Employee's Group Life Insurance Program is continued at no cost to the employee while s/he is receiving compensation, unless the claimant has elected Post-Retirement Basic Life Withholdings at 100 or 50 percent of original value.

442.3.5 Custody, Confidentiality and Protection of Records

Effective Date: 12/31/2007

This subsection describes the handling of records related to worker's compensation.

- a.** A federal employee, responsible for filing reports, who fails, neglects, or refuses to make a report of injury, or files a false report; may be fined not more than \$500 or be imprisoned for not more than one year, or both.
- b.** All medical records, and other reports, statements of witnesses, and other papers relating to the injury or death of an employee or other persons entitled to compensation under FECA are the official records of the OWCP.
- c.** OWCP records pertaining to an injury or death are confidential and exempt from disclosure to the public. No official or employee of USAID who has investigated or secured statements from witnesses and others pertaining to a claim, or any person responsible for the care or needing to use such reports, can disclose information from or pertaining to such records to any person, except according to 29 CFR Part 70 and 70a.
- d.** The protection, release, inspection, and copying of records pertaining to an injury or death must be done according to 29 CFR Part 70 and 70a.

- e. The regulations of USAID govern the procedure for requesting access to, or amendment of the records, including initial determinations on such requests. Department of Labor regulations govern all other aspects of safeguarding records, regulations which were established by the Privacy Act. When requested to amend records, USAID must advise the OWCP and provide the OWCP with a copy of any amended record.
- f. Records of the OWCP pertaining to an employee or beneficiary may be released by the employing agency to that employee or beneficiary, or their representative, according to 29 CFR Part 70a, including copies retained by the employee agency of records previously submitted to and in the possession of the OWCP.
- g. When an employee or beneficiary is prosecuting an action for damages under 5 USC 8131, records may be released according to 29 CFR 70a.

442.3.6 Penalties

Effective Date: 12/31/2007

The following persons are subject to criminal prosecution:

- a. Any person who knowingly makes or certifies to any false statement, misrepresentation, concealment of fact or any other act of fraud with respect to a claim under the FECA or who knowingly accepts compensation to which they are not entitled;
- b. Any person who, with respect to a claim under the FECA, enters into an agreement, combination or conspiracy to defraud the United States by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim; and
- c. Any person responsible for making reports in connection with an injury and who willfully fails, neglects, or refuses to do so; induces, compels or directs an injured employee to forgo filing claim; or willfully retains any notice, report, or paper required in connection with an injury.

442.4 MANDATORY REFERENCES

Effective Date: 12/31/2007

- a. [Federal Employees' Compensation Act, as amended](#)
- b. [5 USC 81](#)
- c. [20 CFR Part 10, Claims for Compensation under the Federal Employees' Compensation Act, as amended](#)
- d. [CA-810, Injury Compensation for Federal Employees](#)
- e. [Privacy Act of 1974](#)

442.4.1 External Mandatory References**442.4.2 Internal Mandatory References****442.4.3 Mandatory Forms****442.5 ADDITIONAL HELP****442.5.1 Optional Forms****442.6 DEFINITIONS**

Effective Date: 12/31/2007

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

Claimant

An individual whose claim for entitlement to Federal Employees' Compensation Act (FECA) benefits has been filed according to FECA provisions. (Chapter 442)

Compensation

Nontaxable benefits, including money paid due to loss of wages, medical expenses, rehabilitation expenses, loss of use of major body functions, and death benefits, payable under the FECA. (Chapter 442)

Continuation of pay (COP)

Continuation of regular salary for up to 45 calendar days due to disability and/or medical treatment following a traumatic injury, intended to eliminate interruption of income while the Office of Workers Compensation Program (OWCP) is processing the employee's claim. Continuation of pay (COP) is subject to taxes and all other usual payroll deductions. (Chapter 442)

Controversion

The formal administrative procedure through which the Agency presents evidence to the Office of Workers' Compensation Program challenging an employee's claim. (Chapter 442)

Day

Means, unless otherwise specified, a calendar day. (Chapter 442)

Dependents (See Family)

Dependents include a wife or husband; an unmarried child under 18 years of age who receives regular support from the employee, or, if over 18, incapable of self-support due to physical or mental disability; a student under 23 years of age who has not completed four years of post-high school education and is regularly pursuing a full-time course of study; a parent wholly dependent upon and supported by the employee. (Chapter 442)

Formal Decision

Any Office of Workers' Compensation Program determination which states that Office's findings with respect to the case and includes a description of the employee's appeal rights. (Chapter 442)

Leave Repurchase

The "buy back" and re-accredit of leave used by an employee during a period of disability caused by an injury or occupational disease or illness after the employee's claim for compensation has been approved. (Chapter 442)

Light or limited duty

The temporary or permanent assignment to productive duty of an employee partially disabled from a work-related injury or illness and unable to perform their regular duties. The employee's return to work must be recommended by an appropriate medical authority and the assigned tasks must be consistent with specified physical limitations. (Chapter 442)

Occupational Disease or Illness

A condition produced in the work environment over a period longer than one workday or shift by such factors as systemic infection; repeated stress or strain, or exposure to hazardous elements such as, but not limited to, toxins, poisons, fumes, noise, particulate or radiation, or other continuing conditions of the work environment. (Chapter 442)

Partial Disability

An employee is unable to return to regular duty but is not totally disabled. (Chapter 442)

Physician

Surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited treatment) within the scope of their practice as defined by state law. (Chapter 442)

Recurrence

A disability that occurs after the employee returns to work following absence due to a work-related disease, condition or injury. The disability is the result of a spontaneous return of the symptoms of the previous injury, disease or illness without intervening cause, or the need for medical treatment, other than a usual office call, for residuals of the previous condition. (Chapter 442)

Rehabilitation

Services and/or training provided to an injured employee who suffers from a vocational handicap due to an occupational injury or illness and who cannot resume usual employment. (Chapter 442)

Schedule Awards

Compensation is provided for specified periods of time for the permanent loss, or loss of use, of each of certain body members, organs and functions. (Chapter 442)

Total Disability

The inability of an employee to work in any capacity as a result of a work-related injury or occupational disease or illness. (Chapter 442)

Traumatic Injury

A wound or other condition of the body caused by external force, including stress or strain, which is identifiable as to time and place of occurrence and affected body member or function, and which occurs within a single day or work-shift. Traumatic injury includes prosthetic devices or applications, such as eyeglasses and hearing aids, damaged or destroyed incidental to a work-related personal injury requiring medical services. (Chapter 442)

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