



September 20, 2007

File Number:

Notice No. 122

**NOTICE TO INSURANCE CARRIERS AND SELF-INSURED EMPLOYERS UNDER  
THE DEFENSE BASE ACT, AND OTHER INTERESTED PERSONS**

**SUBJECT: Transfer of Defense Base Act Cases from the  
New York Longshore District Office to Other Longshore  
District Offices**

Effective October 1, 2007, with exceptions explained below, existing open cases for claims under the Defense Base Act, 42 U.S.C. 1651 et seq., will be transferred from the New York District Office for Longshore (Compensation District No. 2), to the Compensation District where the claimant resides. Authority for this action is provided by 33 USC § 919(g) and 20 CFR § 702.104. This action is necessary in order to efficiently administer the Act. The list of District Offices and their respective jurisdictions are established in 20 CFR 704.101 and may be viewed online at <http://www.dol.gov/esa/owcp/dlhwc/lscntac.htm>. Notwithstanding the provisions of 20 CFR §§ 704.101(d) and (e), the OWCP has determined that cases involving injuries and deaths in Afghanistan will be initially reported to and created in the New York District Office.

The cases will be transferred in installments of about 100 files every two weeks per District Office, starting with the oldest cases first (lowest OWCP Case Numbers), until all affected files have been transferred. Cases that require immediate action by OWCP staff, including but not limited to requests for informal conference, vocational rehabilitation services, independent medical examination, referral for formal hearing, and Special Fund relief under sec 8(f) of the Act, will be transferred immediately on request to the Compensation District of the claimant's residence. Cases that are currently closed and are subsequently reopened due to receipt of additional information will be transferred based on the OWCP Case Number sequence.

All parties to the case will be notified of the transfer in writing. Any party objecting to the transfer must do so in writing, stating the reasons why the case should not be transferred. Transfer will only be stayed for good cause. The

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objection must be mailed to the District Director of the receiving District Office. No email or phone request will be accepted. An appeal of the District Director's denial of a request for transfer may be made in writing to the Director, Division of Longshore and Harbor Workers' Compensation, 200 Constitution Avenue NW, Washington, DC 20210.

The following exceptions apply to the case transfer from New York:

- Cases in which no disability compensation is payable because no lost time is reported (No Lost Time cases) will be maintained in the New York District Office and will not be transferred to the Compensation District of the claimant's residence unless subsequent action is required.
- Cases in which an informal conference has been scheduled will be transferred after the informal conference is held and the New York District Office written recommendation is issued.
- Cases in which an informal conference has been held and written recommendation is forthcoming will be maintained in the New York District Office and that office will issue the recommendation. Thereafter, the case will be transferred from New York to the Compensation District of the claimant's residence.
- Cases with a pending Application for Approval of Agreed Settlement under § 8(i) of the Act will remain in the New York District Office until conclusion of the claim. If the application is denied by the District Director, the case will be transferred to the Compensation District of the claimant's residence in accordance with the above schedule.

The New York District Office retains jurisdiction of all cases created in that office in which the claimants reside within its Compensation District or outside of the 50 States of the United States.

New reports of injuries or deaths that occur in the following geographic locations should continue to be filed in the New York Compensation District Office: Mexico, Central and South America (including coastal islands); areas east of the continents of North and South America to the 60th degree east longitude, including Iraq, Afghanistan and Iran; and any other areas or locations not covered under any other district office. Once a new case number is assigned by the New York District Office and the parties are so notified, the case will be transferred to the

District Office within whose jurisdiction the claimant (the injured employee or the survivors in the event of death) resides.

All questions concerning the transfer of Defense Base Act cases covered under this Notice should be directed to Michael Niss, Director, Division of Longshore and Harbor Workers' Compensation, at (202) 693-0038.

A handwritten signature in cursive script, appearing to read "Michael Niss".

**MICHAEL NISS**  
Director, Division of  
Longshore and Harbor  
Workers' Compensation