



# Disputing Questionable Claims

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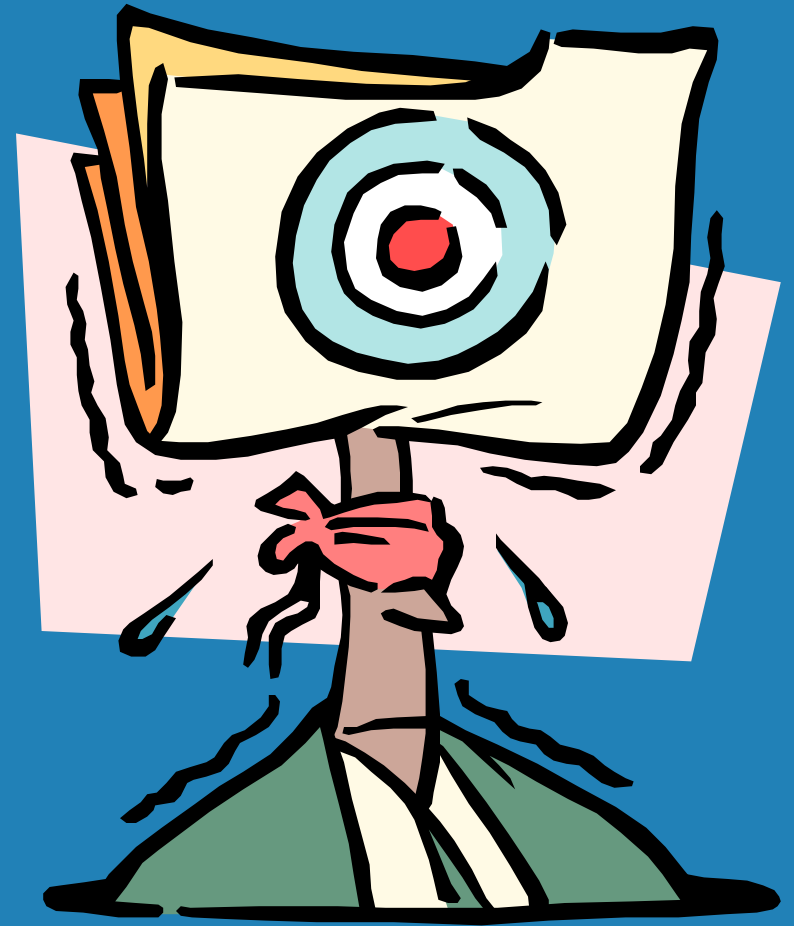
# Things to Consider...

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- Show Discretion—Be Fair
- Recognize your Role
- Be Respectful
- Make intelligent, supportable argument
- Become familiar with DOL's lingo

# BE FAIR...

- WC BENEFITS are an entitlement
- Not all employees are “scamming”
- Get all the facts
- Do not give your personal opinion



# WHAT IS YOUR ROLE?

## *SUPERVISOR...*

- *How did it happen?*
- *When did it happen?*
- *Where did it happen?*

NOTE  
INCONSISTENCIES

## *COMPENSATION SPECIALIST...*

- *Know FECA rules*
- *Know agency rules*
- *Advise Supervisors*
- *Document the  
disputed areas*



# BE RESPECTFUL

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OF your injured  
employee...  
Provide guidance

Good customer  
service

Straight talk

OF DOL...

Base dispute on  
on regulations

Interact with  
professionalism

Respect the chain  
of command



# The Argument---

1. The FACTS—Nothing but the FACTS
2. Witness statements
3. Agency policy—in writing
4. Reinforce with appropriate FECA regs, ECAB decisions etc.

# DOL Lingo

## Use it

- Read Decisions
- Know the Rules
- Provide DOL with a Logical, Analytical Statement of objection in a timely manner

Know the Case, the Circumstances and the Rules!



# Controversion vs Contesting

- CONTROVERSION – COP
- CONTESTING
  1. the merits of the claim
  2. the payment of medical bills
  3. specific medical treatment
  4. continuing disability
  5. the recurrence of a condition or disability





# Seven Reasons for Withholding COP Benefits

- Disability not caused by a traumatic injury
- Employee not a U.S. citizen
- No written claim within 30 days of injury
- Injury first reported after termination
- Injury occurred off premises and not POD
- Injury caused by willful misconduct
- Work stoppage began >45days after injury

# Termination of COP

- Medical evidence is not submitted w/in 10 workdays from the date that COP begins
- Employee no longer disabled/based on medical evidence
- Employee refuses to accept suitable light duty position when offered
- Preliminary notice of termination is given before the injury and becomes final during the COP period.

# ***OPPORTUNITIES to DISPUTE CLAIM ON MERIT***

- Initial submission  
CA1--CA2--CA7--CA-2A
- In response to DOL development letters
- When a hearing transcript is received

# THE 5 BASICS

# TIME



Claims must be filed:

- Within 30 days for COP entitlement
- Within 3 years of the date of injury or date of last exposure

# FEDERAL EMPLOYEE



- The claimant must have been a civilian employee of the United States
- Peace Corps, Vista, Civil Air Patrol
- Non-federal Law Enforcement Officers
- Some students/contract employees
- Contractors generally not covered

# Fact of Injury— The Event

- Did it happen that way?
- Employee's statement?
- Witnesses?
- Does the Supervisor agree?
- Does it make sense?

# Fact of Injury— The Condition

- Does a medical condition or injury exist?
- Simple Exposure does not constitute an injury.
- Medical Evidence must give a history and diagnosis.

# PERFORMANCE OF DUTY



DID THE INJURY  
OCCUR:

DURING THE COURSE  
OF EMPLOYMENT

While the claimant was  
carrying out the duties for  
which he was hired.



# POD continued...

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## DID THE INJURY OCCUR:

- OUT OF EMPLOYMENT

Was the incident directly related to some aspect of circumstances of the employment—not personal non-work circumstances



# Premises Considerations

## ON PREMISES

- PERSONAL CONSIDERATIONS
- STRESS CLAIMS

## OFF PREMISES

- PROXIMITY RULE
- TDY TRAVEL
- DAY TRIP TRAVEL
- ALTERNATE WORK SITE



# SPECIAL CIRCUMSTANCES

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1. OUTSIDE  
REGULAR  
HOURS

2. LUNCH HOUR

3. PARKING LOTS

4. RECREATION

5. ASSAULT

6. HORSEPLAY

7. EMERGENCIES



# CAUSAL RELATIONSHIP

CAUSAL RELATIONSHIP means making a Connection

- To establish a valid claim
- To support payment for medical treatment
- To support ongoing disability

This factor is based SOLEY on  
MEDICAL EVIDENCE



# RESOURCES

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- DOL'S WEBSITE
- Obtain access to Employees' Compensation Appeals Board (ECAB) Decisions
- Become familiar with
  - Federal Employees' Compensation Act
  - Title 20 CFR Parts 1-25
  - Publication CA-810