



August 5, 2003

Notice No. 113

NOTICE TO INSURANCE CARRIERS AND SELF-INSURED EMPLOYERS
UNDER THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT,
AND OTHER INTERESTED PERSONS

SUBJECT: Changes to Vocational Rehabilitation Services
provided under the Longshore and Harbor Workers'
Compensation Act

In the past, vocational rehabilitation services provided by the OWCP under § 39 of the Longshore and Harbor Workers' Compensation Act terminated upon settlement of the claim. This policy was based on the statutory provision in § 39(c)(1) of the Act that "[t]he Secretary shall also provide employees receiving compensation information on medical, manpower, and vocational rehabilitation services". This language had been interpreted as limiting such services to injured employees in compensation status. This policy often left permanently disabled workers without the skills or the rehabilitative services needed to return to gainful employment.

This policy is now changed so that permanently disabled workers who are not currently in pay status, or who have settled their compensation claims, may be eligible for vocational rehabilitation services under the Act. Section 39(c)(2) of the Act provides that "[t]he Secretary shall direct the vocational rehabilitation of permanently disabled employees and shall arrange with the appropriate public or private agencies ... for such rehabilitation." (Emphasis added). Therefore, settling the claim and leaving benefit status should not necessarily end a permanently disabled worker's eligibility for vocational rehabilitation services, as long as he or she remains permanently disabled from the work injury and requires these services to restore employability.

U.S. Department of Labor

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Longshore and
Harbor Workers' Compensation
Washington, D.C. 20210



Effective immediately, permanently disabled workers who settle their Longshore claims may continue to receive rehabilitation services after settlement. If there is an approved rehabilitation plan already in effect, services covered under the plan may continue until completion or until case closure by the OWCP Rehabilitation Specialist. At the discretion of the district director, new rehabilitation services may be initiated after settlement of the claim, if the services are reasonable and necessary to assist a permanently disabled worker to return to the workforce in a suitable job.

Questions concerning this change in vocational rehabilitation policy should be directed to Miranda Chiu, Branch Chief, Operational Policies, Regulations, and Procedures, Division of Longshore and Harbor Workers' Compensation, at

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