

Department of Labor  
OWCP  
Defense Base Act Workshop  
February 22, 2006

**Defense Base Act  
Insurance and Claims Administration**

1. Contracting Officer Responsibility
2. Employer Responsibility
3. Insurance Carrier Responsibility
4. Employee Responsibility

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**Contracting Officer Responsibility**

Ensure contractor compliance with the requirements of the Federal Acquisition Regulation for Defense Base Act Insurance

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**Contracting Officer Responsibility  
Continued**

- Federal Acquisition Regulation (FAR) at 48 CFR 28.309 requires Defense Base Act insurance in contracts for public works and contracts approved and financed under the Foreign Assistance Act of 1961, if work is performed outside the United States.
- Federal Acquisition Regulation (FAR) at 48 CFR 52.228-3 & 4 requires that solicitations and contracts include the requirement for Defense Base Act insurance where applicable.

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**Employer Responsibility**

- Secure Defense Base Act insurance before employees are deployed overseas. 33 USC § 932.
- Post Notice to Employee, Form LS-241. 33 USC § 934.
- Inform employees about DBA benefits and how to report a work-related injury.
- File Employer's Report of Injury within 10 days of receiving notice of employee injury or death. 33 USC § 930(a).

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**Employer Responsibility  
(Continued)**

- Notify the insurance carrier of employee injury or death.
- Authorize medical care when requested or upon knowledge of injury. 33 USC § 907.
- Provide earnings, employment, medical, and other records to the OWCP when requested.
- Assist the employee or survivors to file claim for benefits.

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**Insurance Carrier Responsibility**

- File Insurance Card Form LS-570 with the District Director having jurisdiction of claims – New York or Honolulu.
- Educate the insured employer of its rights and responsibilities under the LHWCA and the DBA.
- The insurance carrier stands in the shoes of the employer.
- Upon receiving notice of injury or death, investigate the compensability of the claim, and determine if compensation and medical care are payable.
- Ensure necessary medical care has been authorized and medical providers have been given billing and reporting instructions.

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**Insurance Carrier Responsibility**  
**Continued**

- First payment of compensation is due 14 days of the first day of disability. No compensation is due if time loss is less than 3 days.
- If carrier determines that benefits should be delayed or denied, a Notice of Controversion must be filed with the OWCP within 14 days of the compensation due date.
- File the required forms and records with the OWCP to apprise the District Director of the claimant's compensation status.
- File medical reports with the OWCP to apprise the District Director of the employee's medical progress and disability status.

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**Employee Responsibility**

- Report injury to employer as soon as possible.
- Request authorization for medical care when needed. Employee has a free choice of treating physician.
- Cooperate with employer/carrier in the investigation of the claim.
- Provide documents and medical reports to the OWCP upon request.

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**Employee Responsibility**  
**Continued**

- Attend medical examination arranged by employer/carrier or by the District Director, when requested.
- Complete Employee's Report of Earnings, Form LS-200, when requested (no more than twice a year).
- File a written Claim for Compensation within one year of the date of injury or one year of last payment of compensation, whichever is later.

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