

**The Role of the
OWCP District Office**

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District Director
New York Longshore
District Office

Where to File?

- The New York Longshore District Office is responsible for all claims arising in the Western Hemisphere with minor exception.
- Filing location depends on where injury or death occurred, NOT where the claimant lives.
- All claims for injuries and deaths which occurred in Iraq and Afghanistan must be filed with the NY office.
- Case file can be transferred after case is created in NY office.
- Reasons for transfer include:
 - Request by claimant or claimant's attorney
 - Need for vocational rehabilitation services
 - Does not like NY office

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Where to File – cont.

- **Mailing address:**
Longshore District Office #2, New York
U.S. Department of Labor
ESA/OWCP/DLHWC
Post Office Box 249
New York, NY 10014-0249
- **For FedEx, UPS, etc. deliveries, must use the street address:**
Longshore District Office #2, New York
U.S. Department of Labor
ESA/OWCP/DLHWC
201 Varick Street, Room 740
New York, NY 10014-0249

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Where to File – cont.

- Electronic filing:
Forms LS-202, LS-206, LS-207, LS-208, and LS-18 may be filed electronically after the digital signature has been established. See Longshore Forms Page at <http://www.dol.gov/esa/owcp/dlhwc/lforms.htm>.

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Contact Information

- New York staff list and specific claims responsibility is on phone list - distributed separately.
- Main office phone number:
(646) 264-3010.

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Major Challenges for Overseas Claims

- DOL will not communicate with claimants in Iraq due to safety considerations – no mail sent to Iraq.
- Language issues – the NY office has directed the major carriers to translate all basic DOL forms into Arabic. Settlements are now received in Arabic and English.
- Claimant names have to be verified – usually occurs after Iraqi government documents are received.

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**Major Challenges for Overseas Claims
Cont'd**

- Delivery of benefits – need for security and payment mechanisms to safeguard the safety of recipients.
- Getting documents – i.e. death, marriage, birth certificates; confirmation of salary; establishing dependency.

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DBA Claims Process

- CASE CREATE
 - Employer submission of the LS-202 (mandatory)
Required items for LS-202:
 - Nation of injury
 - Part of body injured
 - Facts of injury – important for the War Hazards Act
 - Employer/carrier
 - Social Security number (if available)
 - Claimant submission of LS-201
 - Claimant submission of LS-203
 - Correspondence/medical reports that contain enough information (name, address, employer, etc.) to create a file

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DBA Claims Process – cont.

- PAYMENT OF BENEFITS – Upon initial payment of compensation, the insurance carriers submits Form LS-206 to the OWCP. An amended Form LS-206 must be filed at each resumption of benefits or when the benefit rate changes.
- FINAL PAYMENT – Form LS-208 (Notice of Final Payment or Suspension of Compensation) must be submitted within 16 days of termination of compensation payments.

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DBA Claims Process – cont.

- **DISPUTED CASES – Employer/Carrier must submit Form LS-207 (Notice of Controversion of Right to Compensation) when benefits are delayed or denied. Possible reasons for dispute include:**
 - Injury did not occur at work;
 - No DBA coverage at time of injury;
 - No medical evidence to support disability;
 - Need to investigate claim & get additional facts;
 - Conflict of medical evidence.

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Dispute Resolution Process

- **An informal conference at the district office is scheduled based upon the disputed issues.**
- **Parties (including claimant, employer/carrier, and attorneys) may appear in person or by telephone.**
- **All sides present their positions and supporting evidence (i.e. medical reports or earnings information).**
- **The district office reviews the evidence and issue a recommendation which parties can accept or further dispute. Our goal is to assist in resolution at the district office level.**

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Dispute Resolution Process – cont.

- District office recommendations are not binding on the parties. If the parties do not accept the informal conference recommendations, they may request a hearing before the Office of Administrative Law Judges.
- The formal hearing can be scheduled anywhere.
- The ALJ issues a binding decision & order, which may be appealed to the Benefits Review Board if the parties do not agree.

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Adjudicatory Actions by the District Director

- The District Director may issue binding compensation orders by agreement of the parties, including:
 - **Section 8(i) settlements** when there are disputed issues such as continuing disability; degree of disability; facts of the case; medical treatment; and/or medical bills. Both parties benefit – the claimant receives a lump sum and the employer/carrier is discharged from further obligation.

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Adjudicatory Actions by the District Director – cont.

- **Stipulation agreements** – an order is issued approving the parties' stipulations as to the undisputed facts of the case. This may include items such as stipulations to permanent total disability, death benefits for beneficiaries, and/or permanent partial disability.
- **Attorney fees** – an order approving payment of attorney fees, both the amount payable and the responsible party.
- **Commutation** of benefits for non-resident aliens – an order directing the insurance carrier to pay based upon a formula.

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Section 44(c)(1)

- Under 33 U.S.C. §944(c)(1), a payment of \$5,000.00 is due in a death claim where the decedent leaves no eligible survivors . The sum is payable to the Longshore Special Fund.

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Attorneys

- Over 1,150 attorneys worldwide represent claimants in this district.

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Questions?

- Contact me:
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