



Loyola Law School &
U. S. Department of Labor
OWCP
DBA Conference
October 2008

Status Report on DBA Claim Administration

Miranda Chiu

Office of Workers' Compensation Programs

Division of Longshore & Harbor Workers' Compensation

Overview

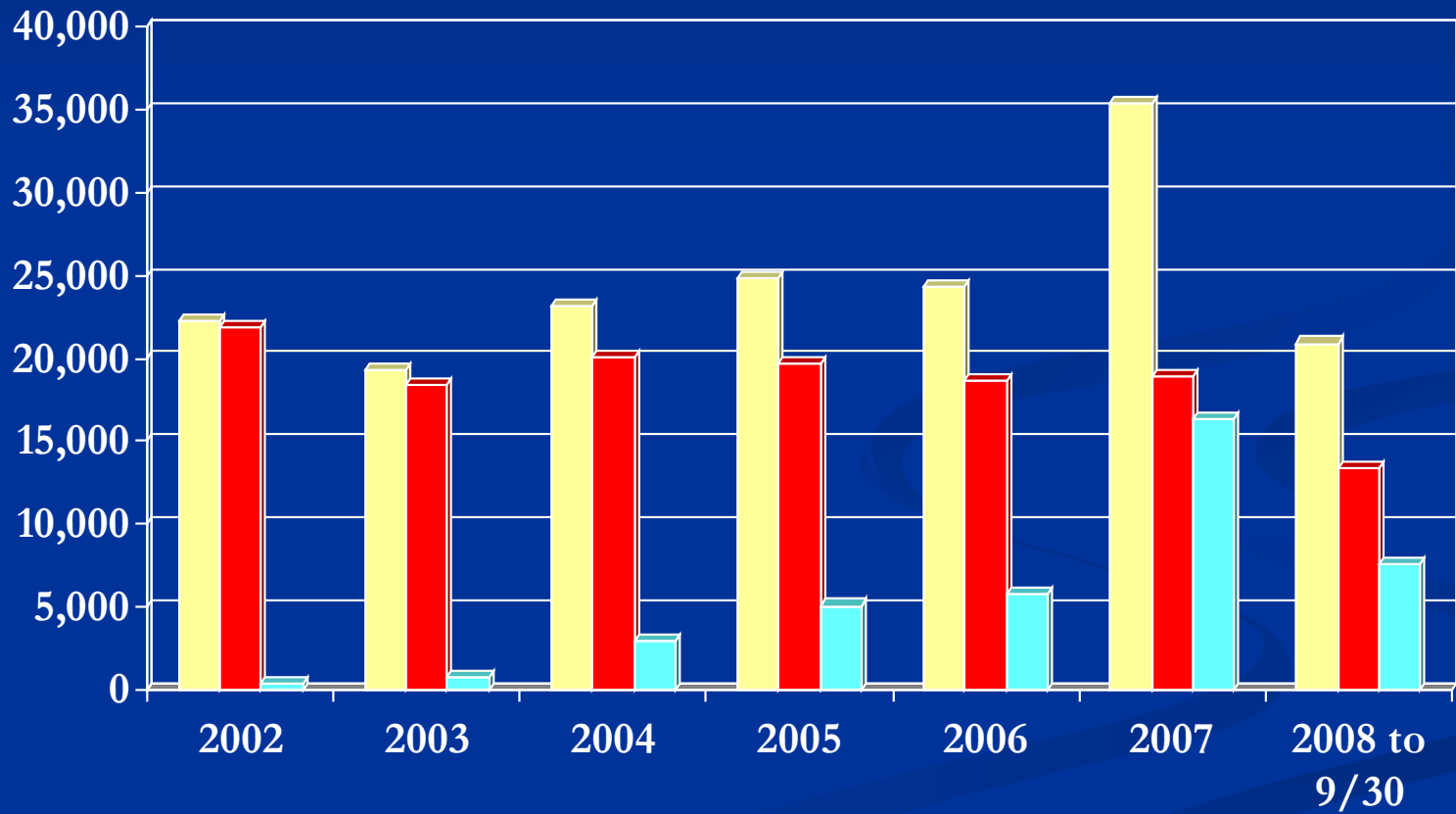
- **OWCP Claim Administration Functions**
- **Claim Statistics**
- **DBA Case Transfer Update**
- **Foreign Claims**
- **PTSD Claims**
- **Claimant Privacy**
- **Website and Contact Information**

OWCP's Primary Functions

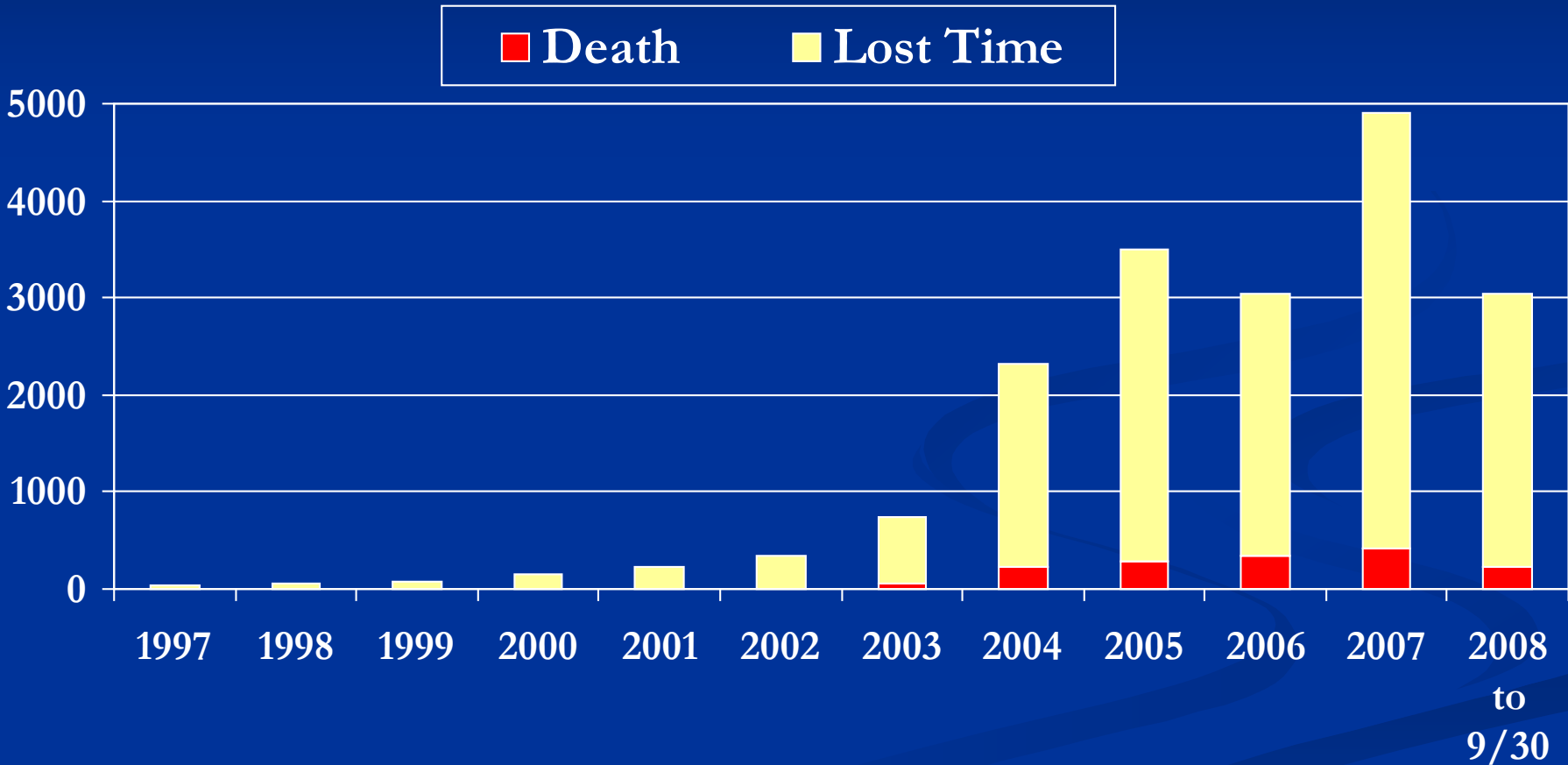
- Ensure proper administration of the LHWCA and its extensions, including the DBA.
- Authorize insurance carriers and self-insured employers.
- Ensure proper & timely delivery of benefits to claimants.
- Provide dispute resolution services.
- Provide technical assistance.

All New Cases Reported by Calendar Year

■ Total Cases Reported ■ Non-DBA Cases Reported ■ DBA Cases Reported

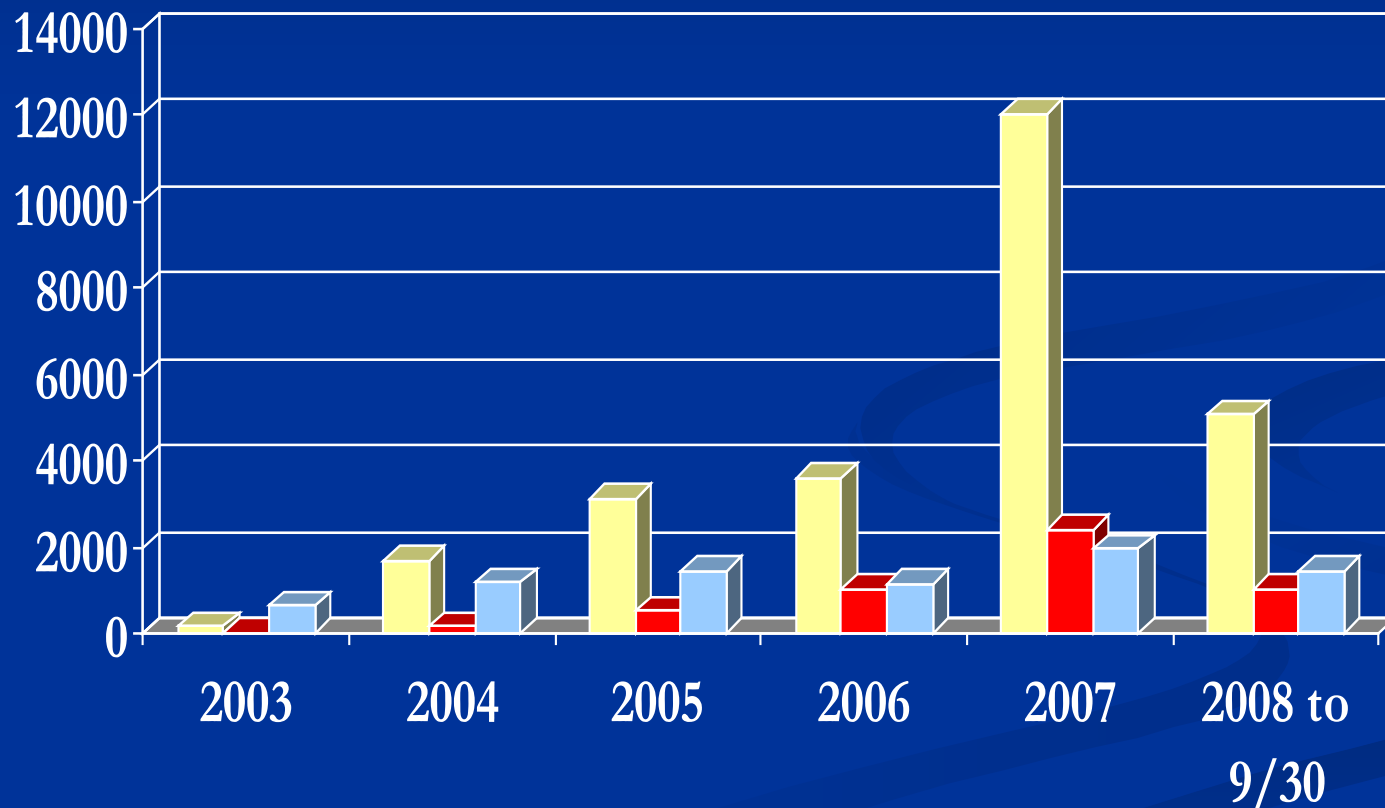


Number of Death and Lost Time DBA Cases Reported by Calendar Year

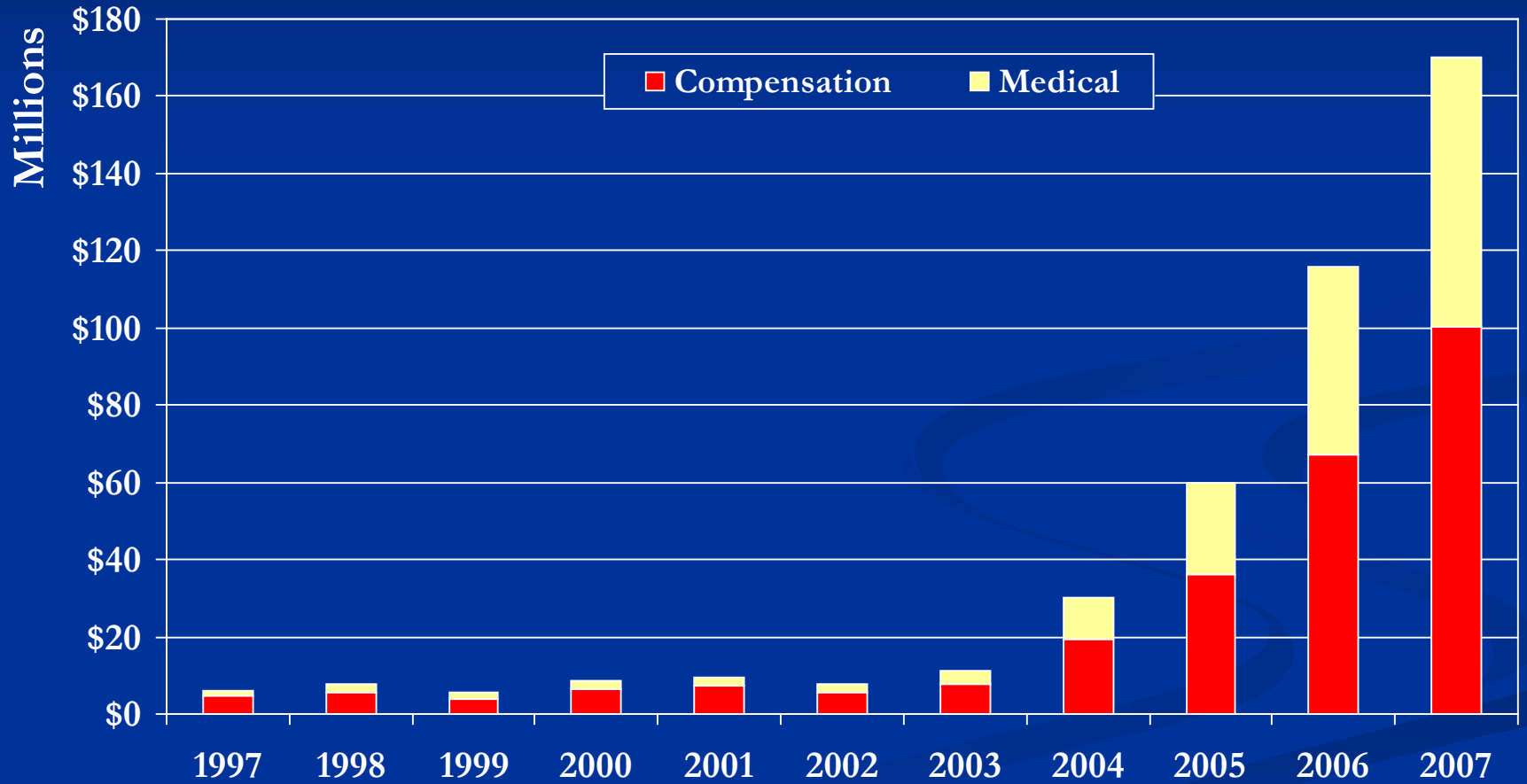


New DBA Cases Reported From Afghanistan & Iraq by Calendar Year

■ Iraq ■ Afghan ■ All Other



DBA Payments by Calendar Year



DBA Case Transfer Update

- Goal is to equalize the DBA workload by redistributing cases to other District Offices based on claimant residence.
- About 3000 existing cases were transferred beginning October 2007, plus new cases beginning mid November 2007.
- A total of 5450 cases were transferred out of New York in the last fiscal year -- 2200 cases to Houston, 1560 to Jacksonville, the rest to other District Offices around the country.
- At the end of Fiscal Year 2008, New York has 4620 open cases, Houston 1500, and Jacksonville just under 1000.

The New York District Office

- Will continue to receive new DBA reports of injury and death from all areas within its jurisdiction and create new cases.
- Will transfer all new time loss and death claims of US residents to other District Offices once cases are created.
- Will transfer cases on request.
- Will become the center of foreign claims.

Issues in Foreign Claims

- Educating foreign employers of the need to secure DBA insurance.
- Educating and assisting foreign employers and employees to file claims and reports.
- Identifying the correct carrier for foreign employers.
- Security issues as barrier to communication.
- Language barriers and time zone differences.
- Difficulty identifying foreign claimants and survivors.
- Difficulty in securing medical records and evaluating disability.
- Commutations.

PTSD Claims

- No mechanism to accurately track claims.
- Post-employment claims are difficult to investigate.
- Initial medical reports often lack proper diagnosis.
- Access to qualified medical care is limited except in major metropolitan centers.
- A claim is presumed compensable under the Act unless rebutted by substantial evidence.
- Delayed claim decisions add to the stress and anxiety of the claimants.

OWCP Action Plan

- Began tracking PTSD claims in the Longshore claim database in 2006. Current count is 453 cases.
- Fast track PTSD claims through the dispute resolution process.
- Assist the parties to gather factual and medical evidence needed for claim resolution.
- Schedule Informal Conferences promptly on request.
- After conference, if the OWCP claims examiner's recommendations are rejected, refer the case promptly for hearing on request.

Privacy Issues

- The OWCP takes the issue of claimant privacy seriously.
- OWCP staff are prohibited from discussing claim related matters with any party via external email because such emails are not secure.
- We ask all parties to be aware of claimant privacy and to take steps to safeguard it.
- Submit claim documents by fax, mail, or delivery service in lieu of email.

DLHWC Website

<http://www.dol.gov/owcp/dlhwc/index.htm>.

- Statutes and Regulations
- Contact Information for all Longshore Offices
- Longshore Forms
- Defense Base Act Page
- Max and Min, NAWW, Mileage, and Interest Rates
- Longshore Procedure Manual
- Links to OALJ and BRB websites

Contact Us

- **DLHWC National Office**
 - Miranda Chiu, 202-693-0865
chiu.miranda@dol.gov.
 - John Chamberlain, 202-693-0925
chamberlain.john@dol.gov.
- **DLHWC New York District Office**
 - Richard Robilotti, 646-264-3011
robilotti.richard@dol.gov
- **Other District Offices**
 - <http://www.dol.gov/owcp/dlhwc/lcontac.htm>