

FECA

(Federal Employees Compensation Act)



THE 2009 EMPLOYEE INJURY COMPENSATION BENEFIT GUIDE

STATUTORY PROVISIONS MAKE IT A CRIME TO FILE A FALSE OR FRAUDULENT CLAIM OR STATEMENT IN CONNECTION WITH A CLAIM UNDER FECA



Anyone preventing a Federal employee from filing a workers compensation claim is subject to a monetary fine and/or jail time.

BENEFITS AVAILABLE TO YOU
(IF THE CLAIM HAS BEEN ACCEPTED BY OWCP)

The following list provides an outline of some of the benefits provided to you while treating/recovering from a work related injury once your claim has been accepted by OWCP. These benefits will vary depending upon the extent and nature of your injury.

OWCP makes the decision to accept or deny a claim based upon the information provided by you and your treating doctor.

- ❖ **Medical benefits:** Medical care necessary to restore your health to pre-injury status. This care is limited to the area of the body that is directly affected by the work related injury. These benefits include a variety of services such as bill payment, future care, medical equipment and procedures.
- ❖ **Financial benefits:** You may be entitled to financial compensation if you are taken off duty by your treating physician. The off duty status applies only to recovery for the work related injury. A doctors' disability slip is mandatory before you are eligible to apply for/collect workers compensation pay or COP.
- ❖ **Vocational Rehabilitation:** If you are ever injured seriously enough that you cannot return to your regular duty position, OWCP will provide training in an effort to get you back to a level of productivity.

AT THE EARLIEST POSSIBLE DATE:

You and your supervisor should file a claim for WORK RELATED injuries only. This claim should be filed within 2 days from date of injury. It will prevent any delays in filing the claim. All claims are filed electronically.

THE INJURY COMPENSATION OFFICE IS LOCATED:

4432 Llewellyn Avenue
Fort Meade, Maryland 20755-5035
(301) 677-3512
(301) 677-3238 Fax
Rose.Alexander@conus.army.mil

FEDERAL EMPLOYEES HAVE THE RIGHT TO:

Seek medical treatment for their work related injuries with the doctor of their choice. Department of Labor does NOT pay for chiropractic care for injuries sustained while in the course of duty unless the procedure has been ordered by a treating orthopedic doctor. You should seek treatment through your primary care physician OR through a specialist. The primary care physician can refer (in writing) you to a specialist for treatment.

Change doctors if the care they are receiving is not adequate. You must provide a written letter to OWCP stating the exact reason for changing doctors and noting the name of the new doctor for the same work related injury. A claim number **must** be referenced for identification purposes. The name, address and telephone number of the new treating doctor should be given in a letter and then submitted to:

U.S. Department of Labor, OWCP
DFEC Central Mailroom, P.O. Box 8300
London, KY 40742-8300

(202) 513-6800 in DC OR (215) 861-5481 in Philadelphia

Failure to provide the Department of Labor with this information OR changing doctors without OWCP permission can result in non-payment of bills generated from the medical treatment given by the new doctor.

REPORTING RESPONSIBILITIES:

You must report any/all work related injuries to your supervisor, or acting supervisor within **two days** of the actual injury.

Any work related injuries that have not been reported within this time frame may be subject to extensive investigation and possible denial of the claim by OWCP.

Any injury compensation claim that has not been filed within 30 days from the date of injury will be cause for OWCP to deny COP if you are missing time. You will be forced to use leave until your claim has been accepted and then you must have a doctor's note to file for compensation pay.

YOU MUST PROVIDE TO OWCP:

All necessary medical information to prove that your claim is work related. This information can be obtained by contacting your physician's office and requesting copies of all medical notes, reports, disability slips and test results to be sent to you, the OWCP directly OR you can have this information faxed directly to the Fort Meade Injury Compensation office at (301) 677-3238.



If the necessary medical information is provided to the Injury Compensation office, a copy will be placed into the compensation file and the original will be forwarded to OWCP

SURGICAL/THERAPUTIC AND OTHER PROCEDURES

All procedures such as surgery, therapy, cortisone/steroid shots, orthotics, etc. MUST BE APPROVED PRIOR TO THE PROCEDURE BEING DONE.



If a medical procedure has not been pre-authorized by OWCP, the bills will never be paid by OWCP. OWCP always reserves the right to deny payment for any treatment rendered that does not specifically apply to the accepted work related condition. All authorization requests must be completed on-line or faxed to ACS from the treating doctor's office. This information will be provided to you and **you will be responsible to provide this to your treating doctor.** Fort Meade Injury Compensation office does NOT have the authority to approve required procedures or to pay any bills associated with work related injuries.

YOU MUST PROVIDE TO YOUR SUPERVISOR:

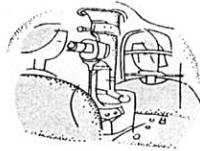
A current duty status report from the treating doctor. You must keep an open line of communication with the supervisor and Injury Compensation Office while off duty recovering from a work related injury. The duty status slip provides guidance from the treating doctor as to whether you are medically capable of working full duty, modified duty or should be home recovering. If you are rendered "off-duty" by the treating doctor, the duty status slip should designate exactly how much time is expected to be off duty for recovery OR very specific dates. **If the duty slip states you can return to modified duty, you must ensure that your physician has specified what you CANNOT do at work.** If there are no specific restrictions written, Fort Meade supervisors will not be allowed to return you to work until this information has been provided. If you fail to provide the necessary medical duty status slip from the treating doctor, COP (Continuation of Pay) and/or compensation pay will not be afforded to you while you are off duty recovering. Leave or LWOP will be charged to you if a duty slip is not current. This leave will not be recoverable through a Leave Buy Back.

There are NO exceptions.

SUPPORT DOCUMENTATION FOR WORK RELATED INJURY:

OWCP Form CA-16:

This form is to be issued by your supervisor prior to you obtaining medical treatment from outside for the first time. It is an authorization form for you to go outside Fort Meade and receive treatment from a specialist (Orthopedic, Neurologist, Eye, etc). The back of the CA-16 form is a medical report that **MUST** be completed before you leave the treating doctor's office. The form must then be forwarded to the Fort Meade Injury Compensation office. A copy will be placed into your compensation file and the original will be forwarded to OWCP. You should provide Occupational Health and the Injury Compensation office with the name of the specialist you choose for treatment.



Medical Reports: Every time you visit your doctor, they generate a medical note. Everything relative to your discussion is noted within these medical notes. This information is used by OWCP to decide in favor of or against the claim for compensation. Before accepting or denying your claim, OWCP will write a letter and mail it to your home requesting additional information. You are usually provided 30 days to respond before OWCP will close and deny your claim.

Any medical tests (X-rays, MRI, EKG) you have had performed due to your work related injury can also assist in supporting the claim. These tests will have a report created for the physician. A copy of this report **MUST** be submitted to OWCP for review. If the information is not provided, it will delay authorizations, pay and adjudication of the claim by OWCP. Copies of medical information will not be given to any outside entity without a written and signed release from you. **The Fort Meade Injury Compensation office cannot provide any information from your file to an attorney.** You can come in and obtain copies to provide directly to your attorney.

Witness Statement: If an injury is witnessed, the statement should include exactly where you and the witness were when the incident occurred, what you were doing and what the witness was doing when the incident occurred. This information needs to be very specific. This statement will be included on the EDI claims reporting screens and considered by OWCP while creating your new claim.

If you were working with a fellow employee when injured on duty but the other employee **did not actually see the injury occur**, then they would **not** be considered a "Witness".



EMPLOYEE CLAIM (CASE) NUMBER

When you and your supervisor input the information into the electronic claim system (EDI), you must print a copy for your records.

The ICPA will contact you with your claim number. You should call your doctor's office and give them this claim number for your file. A letter from OWCP will arrive at your home after the decision has been made to accept or deny the claim.

If the claim has been accepted by OWCP, you should contact all medical providers and provide this claim number to their billing department.

EMPLOYEE CLAIM (CASE) NUMBER

Once you receive the brochure and the letter for OWCP accepting your claim, you will then be advised of the correct procedures to continue with treatment, collect any reimbursements, compensation, mileage, or medical authorizations.

The Fort Meade Injury Compensation office is available to assist you with questions and guidance, including contact information for your claims examiner, and their telephone number. You should fax directly (301 677-3238) or bring your medical documentation to Injury Compensation office to be forwarded to OWCP as soon as you obtain it from your treating doctor. Documentation is then mailed to London, KY (billing and general info.).

Some physicians prefer to send the medical documentation directly to OWCP. This is acceptable. However, if there are billing problems in the future, the billing office for that doctor must be willing to forward copies of notes and bills to Injury Compensation Office if they are seeking assistance. Otherwise, they will need to make contact directly with ACS.

COP (Continuation of Pay)

This is the first avenue of pay through the federal compensation system. This **45-day window of time** is called Continuation of Pay (COP). The criteria for this benefit are as follows:

- ❖ **You MUST file your claim within 30 days from the date of your accident.**

- ❖ You must have sustained a “Traumatic Injury” while in the course of duty
- ❖ You must file a federal worker’s compensation claim
- ❖ You must have the full support of your Supervisor and the Injury Compensation Office
- ❖ Your physician has taken you “off duty” for specified period of time for recovery. You **MUST** have a current medical duty slip for every hour/day/month you are off duty in order to be paid. Without the medical support, you will be charged leave.

COP is not afforded for cumulative type illness or injuries. See Fort Meade Injury Compensation for further explanation. COP is NOT an automatic benefit.

COP (Continuation of Pay)

If COP is afforded to you before OWCP accepts your claim and then OWCP denies your claim, your timekeeper will correct your time cards manually and the COP time codes will be taken away and you will be charged leave.

If you have provided the proper duty slips, and have the full support of the Injury Compensation Office and your supervisor and are still charged leave rather than COP, you should consult with your timekeeper and supervisor immediately for time card corrections.

This 45-day window runs throughout weekends, holidays, and RDO’s. Once the 45 days are over, they cannot be used again and no additional COP will be granted.

If, in the event you do not miss time initially, but later are taken off duty by your physician, the first day of COP will begin the first day of your absence, as long as it starts within the first 45 days after the injury. Normally this 45-day countdown starts the day after the injury date unless there is no lost time. If you start losing time after your COP has passed, you must either file for compensation pay or use your leave.

COP IS OVER AND I’M STILL OFF DUTY

You have regular pay coverage during the COP time frame, but what should you expect after these 45 days are over?

If you are still missing time from work the following should be done:

- ❖ **Ensure your supervisor has a current disability slip** and then notify the Fort Meade Injury Compensation Office that you are still off duty.
- ❖ **The supervisor should prepare a 50 Action**, showing you in “Leave Without Pay status due to Worker’s Compensation”.

- ❖ **You must submit, in writing to your supervisor, the choice you have made regarding how you would prefer to be paid while off duty.** COP is now over, and you have a choice of worker's compensation pay OR using sick or annual leave.
- ❖ **If you choose worker's compensation pay, you should contact the Fort Meade Injury Compensation office as soon as possible to complete a CA-7 form.** This is the form that initiates the compensation pay from OWCP. Compensation pay does not happen all by itself. You must apply for it.

CHOOSING WORKER'S COMPENSATION PAY

If you choose to be paid by using worker's compensation pay you must file an OWCP CA-7 form. You must furnish your ICPA your physician's medical duty slip as well as a leave and earning statement.

The CA-7 form provides OWCP with all the necessary information to set up pay for you while you are off duty recovering. If your claim is accepted and all necessary medical information has been provided, you should receive your first compensation check approximately 3 weeks after OWCP has accepted the claim for work related injury and the CA7 has been received with the doctor's disability slip attached. The worker's compensation check will be sent directly to your home or you can provide OWCP with Direct Deposit forms from your bank.

Three federal employee benefits, health, life and optional life insurance, can be deducted from your compensation checks:

OWCP will not deduct TSP or retirement premiums from workers compensation checks.

WORKER'S COMPENSATION PAY RATES

If you **have dependents** (spouse, children under 18 living at home and/or parents, etc) you are entitled to **75% of the GROSS salary.**

If you are **without dependents** you are entitled to **66 2/3% of the GROSS salary.**

There are no taxes taken out of a worker's compensation check.

This is NOT a declarable source of income on your personal taxes.

It takes approximately 10-15 days for OWCP to set up a new compensation payment account after COP ends

CHOOSING TO USE SICK OR ANNUAL LEAVE

You have the right of choice to use sick or annual leave during recovery from a work related injury.

It is advised that **if you do use leave during recovery time, you should note on the leave slip that the leave days are compensation related.** You will need a record of the leave time used when you intend to "buy back" this leave from DFAS.

Taxes will be taken out of your check, as it will remain a "regular" paycheck, showing the deduction of leave each pay period.

I USED MY LEAVE, NOW HOW DO I GET IT BACK?

The advantage of using leave versus applying for compensation payments is in the amount of time spent waiting for the DFAS issued bi-monthly check, versus waiting for the compensation check (once every 28 days).

DFAS cuts a paycheck once every two weeks. This may be more convenient for the employee financially to receive their money on a more frequent basis.

Any amount of leave can be bought back as long as you have support documentation for each hour of leave taken under compensation.

There is a "one year statute of limitations" on buying back any leave used during recovery from a work related injury. This time restriction is in accordance with the DOD Financial Management Regulations; subparagraph 031203.A – Buy Back of Leave. "...the employee may arrange with the civilian payroll office to buy back the leave used within one year of the date the claim was accepted by OWCP and have it re-credited to their leave account."

There is no obligation for the employee to buy the leave back.

THIRD PARTY INVOLVEMENT

If you are injured during duty and the incident is actually caused by someone else, it is referred to as a "third party". If the third party is a contractor or someone other than a Federal employee, there is an opportunity for the government to obtain some of the monies spent for medical treatment and possible compensation pay, from the third party.

If this situation applies to your federal work related claim, you must notify the Fort Meade Injury Compensation office. The name, address and telephone number of the third party must also be supplied on the original OWCP CA form for claim.

OWCP will expect you to hire an attorney to receive compensation from the third party for all OWCP expenses. From this money, OWCP grants permission for you to pay the representing attorney and retain a very small percentage for the claimant. The balance is then forwarded to OWCP.

OWCP will send a letter regarding this matter to your home sometime after the acceptance of the work related claim.

WHAT TO DO IF YOUR CLAIM HAS BEEN DENIED

If you receive a letter from OWCP stating that the claim has been denied, the following should be done:

Read the letter very carefully. It will explain why the claim was denied. In many cases, the reason for denial is simply because you failed to provide OWCP with the proper medical documentation.

Respond to the OWCP letter immediately.

Contact Fort Meade Injury Compensation Office for additional guidance

There are four ways for you to appeal the denial of a claim:

- Request an oral hearing before an OWCP representative
- Request review of written record by a hearing examiner appointed by the director of OWCP
- Request OWCP to reconsider the decision
- Appeal to ECAB (Employees Compensation Appeals Board) for review of the decision