

FECA BENEFITS

Available Benefits . . .

■ Medical Benefits

- Hospital Bills
- Doctors Bills
- Pharmacy Bills
- Travel to obtain medical Treatment

■ Compensation Benefits

- Total Compensation
- Partial Compensation (Loss of Wage Earning Capacity)

■ Other Benefits

- Attendant Allowance
- Scheduled Award
- Vocational Rehabilitation

■ Death Benefits

- Funeral expenses
- Survivors' Compensation
- Transportation and Administrative Fees

Jurisdiction



Creation of a Case

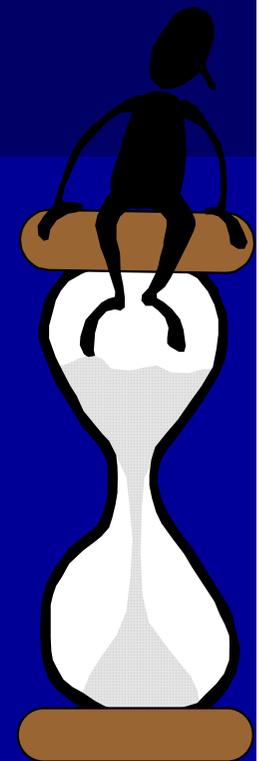
- After receipt in office the claim is assigned a claim number, usually within one to two days.
- Once a claim number is assigned, a pamphlet with the claim number is sent to the claimant.
- If a claim indicates lost time from work, 3rd party responsibility, or is controverted, the claim will be referred to a claims examiner for review.
- All other claims are administratively accepted and bill are paid up to approx. \$1500. These claims can be re-opened and reviewed if the need arises.

Conditions of Coverage

- Each claim for compensation must meet certain requirements, in this order, before it can be accepted
- Timely filing of claim
- Federal Civilian Employee
- Fact of Injury
- Performance of Duty
- Causal Relationship

Timely Filing

- An employee has 3 years to file a claim for injury.
- In the case of a traumatic injury, time begins to run on the date of injury.
- In an occupational disease claim time begins to run:
 - on the date of last exposure to the employment conditions believed to be the cause or,
 - the date when the employee is aware, or should have been aware, of a possible relationship between the disease and the job, whichever is later.



Civil Employee

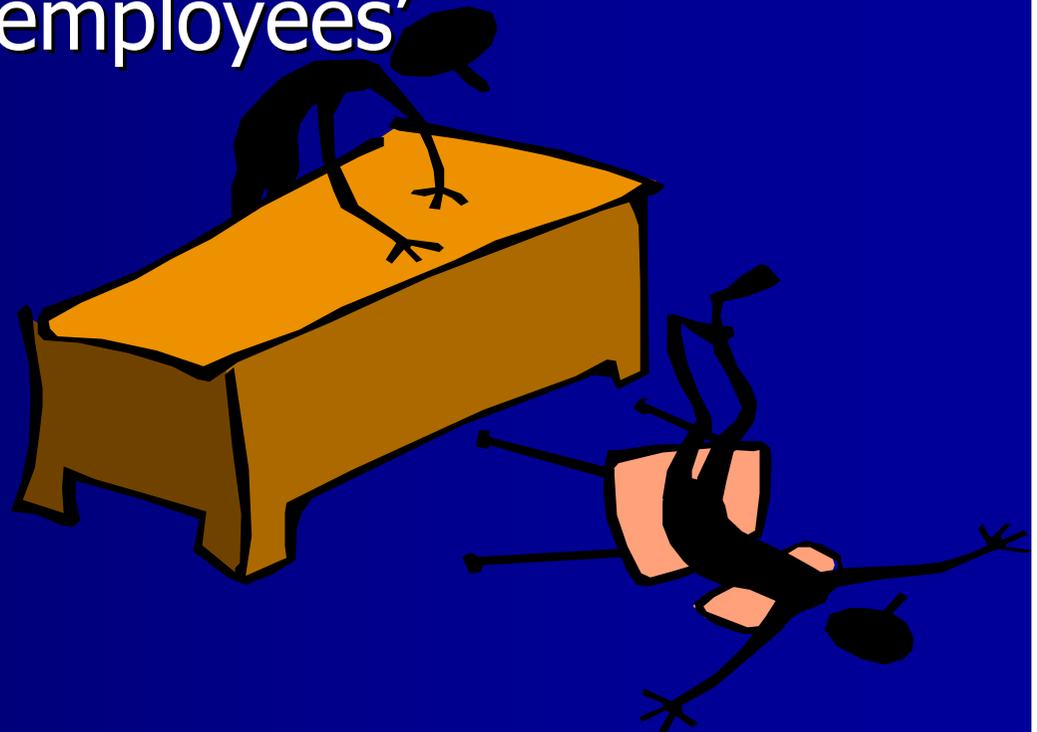
- FECA covers all civilian employees except for non-appropriated fund employees
- FECA covers temporary and part-time Federal Employees as well as employees who work full time.
- Contract employees, volunteers and loaned employees are covered under some circumstances

Fact of Injury

- Fact: Actual occurrence of an accident, event, or exposure at the time, place, and in the manner alleged
- Medical: Medical condition diagnosed in connection with that accident, event or exposure

Performance of Duty

- *Performance of Duty* is an injury arising in and out of the course of an employees' employment.



Causal Relationship

- Link between work related exposure/injury and the medical condition found.
- Based entirely on medical evidence provided by the physician who has examined or treated the employee

Causal Relationship

4 types

- Direct causation: Injury or factors of employment result in condition claimed through natural and unbroken sequence.
- Aggravation: Pre-existing condition is worsened, either temporarily or permanently, by a work-related injury
- Acceleration: A work related injury or disease may hasten the development of an underlying condition
- Precipitation: A latent condition which would not have manifested itself at this time but for employment.

Coverage

- Coverage includes injuries which occur while the employee was performing assigned duties or engaging in an activity which was reasonably associated with the employment.
 - Such activities include use of facilities for the employee's comfort, health, and convenience as well as eating meals and snacks provided on the premises.

Coverage continued . . .

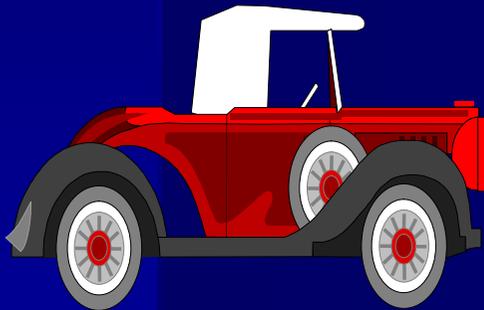
- A *reasonable* interval before and after official working hours for preparatory or incidental acts, constitutes coverage under FECA.
- Deviation from the direct route for personal reasons are *not* considered to be in the performance of duty.

Temporary Duty...

- Employees whose work entails travel away from the employer's premises are held in the majority of jurisdictions to be within the course of their employment continuously during the trip
- Injuries arising out of the necessity of sleeping in hotels or eating in restaurants away from home are usually held compensable
- *Exception:* when a distinct departure on a personal errand is shown

Premises . . .

- The premises include areas immediately outside the building, such as steps or sidewalks, if they are Federally owned or maintained.
- *Normally*, incidents occurring while coming to and from work are not in the performance of duty.



Recreational Injuries . . .

- An employee is considered to be in the performance of duty while engaged in formal recreation and either the employee is paid for participating or the recreational activity is required and prescribed as a part of the employee's training or assigned duties.



Horseplay vs Assault . . .

- An employee injured during horseplay is considered to be in the performance of duty if the horseplay was of a character that could reasonably be expected where a group of workers is thrown into personal association for extended periods of time.
- If a *private argument or animosity* between two employees is brought into the workplace, this is considered to be assault and not in the performance of duty.

Emotional Conditions . . .

- An emotional reaction is said to be in the performance of duty when the condition results from the claimant's regular day to day activities or specially assigned duties.
- Mere perceptions of harassment alone are insufficient to establish that an emotional condition occurred in the performance of duty.



Personnel Actions . . .

- Personnel or administrative action are generally not in the performance of duty unless evidence of error or abuse on the part of the employer can be demonstrated as having occurred.
- Personnel actions include, but not limited to:
 - Reactions over leave matters
 - Letters of reprimand or criticism over work performance.
 - Reactions to transfers or shift changes

Physical Contact . . .

- Any type of physical contact is a compensable factor of employment.
- The Office does not make a determination on the intent of any such contact.



Claims for Traumatic Injury

■ Traumatic Injury

- Wound or other condition of the body caused by external force, including stress or strain
- Caused by specific event or series of events or incidents within a single day or work shift

Medical Forms Used for a Traumatic Injury . . .

- Form CA-16 - Authorization for Medical Treatment.

May also use:

- Form CA-17 - Duty Status Report
- Form CA-20 - Attending Physician's Report

Claims for Occupational Disease

- Occupational Disease
 - Condition produced over a period longer than one workday or shift (e.g., repetitive motion disorders, asbestosis)
- COP is not provided for Occupational Diseases
- CA-16 is not issued for Occupational Diseases

Evidence Required for Occupational Disease . . .

- Employee Statement regarding events believed to have contributed to the condition.
- Supervisor's statement.
- Narrative medical report from the attending physician.

Recurrences of Disability

Form CA-2a

- A spontaneous material change, demonstrated by objective findings, in the medical condition which resulted from a previous injury or exposure to factors causing the original illness;
- A return or increase of disability due to an accepted consequential injury . . .

Continuation of Pay (COP)

- COP is the continuation of the employee's regular pay for a period not to exceed 45 calendar days of disability. The intent is to eliminate interruption in the employee's income for the period immediately following a job related traumatic injury.
- Effective Sept. 7, 1974, the FECA was amended to authorize the employing agency to continue pay for a period not to exceed 45 calendar days of disability, pending the OWCP's determination of the claim.

Employee's Responsibility-

- File an approved OWCP Form within 30 days of the injury.
- Present medical documentation supporting disability to agency within 10 calendar days.
- Advise physician of the availability of limited duty if applicable.
- Claimant must RTW upon notification by attending physician of release to full or LD

Challenge vs. Controversion

- Controversion refers to COP and should be for one of the 9 reasons given.
- Challenges are for all claims and can be for any reason. However, for a challenge to be upheld it should be supported by evidence of a probative value.

Nine Reasons for Controverting COP

- Agency may controvert (not pay) COP *only* if one of the following applies:
 - Disability is a result of occupational disease or illness
 - Employee comes within the exclusions of 5 USC 8101 (1) (B) or (E)
 - Employee is neither a citizen nor resident of the US or Canada
 - Injury occurred off the agency's premises and the employee was not engaged in official "off premises" duties

Nine Reasons for Controverting COP - continued

- Employee's willful misconduct, intentional harm or death, or proximate intoxication
- Injury not reported within 30 days of injury
- Work stoppage first occurred more than 45 days after the injury
- Employee reported injury after employment was terminated
- Employee is enrolled in Civil Air Patrol, Peace Corps, or other group covered by special legislation

Continuing COP . . .

- In all other cases, the employing agency may controvert the right to COP, but the regular pay may not be interrupted during the 45 day period unless the controversion is sustained by OWCP.

. Termination of COP. .

- The employing agency may terminate COP if the claimant fails to submit medical documentation to support total disability within 10 calendar day of the date the agency receives the claim.
- Agency receives evidence which indicates that the claimant is capable of returning to regular duty.

More . . .

- The agency is advised by the physician that the claimant is no longer disabled; and/or is able to return to light duty, and a written job offer is made based upon work restrictions.
- OWCP tells the agency to stop COP.
- The 45 day period of COP expires.

Claims for Compensation

- Claims for lost wages are processed on form CA-7
- Claims for leave restoral are processed on Forms CA-7, CA-7a and CA7b
- CA7a – time analysis, signed by Employing Agency
- CA7b – LBB Worksheet/Certification and Election.

Schedule Awards

- Compensation for specific periods of time for permanent loss, or loss of use, of certain members and functions of the body
- Partial loss or loss of use of members and functions is compensated on a proportional basis
- Must have reached maximum medical improvement
- Based on pay rate used for compensation purposes
- 66 2/3% of salary without dependents and 75% of salary with dependents

Loss of Wage-Earning Capacity

- When medical evidence shows an employee is no longer totally disabled and medical evidence determines s/he can perform duties of a lower-paying job, compensation is paid on the basis of loss of wage-earning capacity
- Compensation at rate of 66 2/3% or 75% of the wage loss incurred as a result of the disability

Returning to Work - Job Offers

- In writing
- Describes the duties to be performed
- Describes physical requirements of job
- States the location of job
- States the date job is available
- States the date that claimant must respond to offer

Returning to Work - Job Offers

- Duties and physical requirements must be consistent with the medical limitations on file
- Employee must be vocationally capable of performing the offered job (skills and education)

Denials

- Not all claims are accepted
- Claims can be denied in whole or part
- For example, the claim may be accepted but compensation could be denied for lack of medical evidence
- With each denial appeal rights are given

Appeal Rights . . .

- Reconsideration before the District Office- 1 year from decision date
- Hearing before the U.S. Department of Labor, Branch of Hearings and Review—30 days from decision date
- Appeal before the U. S. Department of Labor Employees' Compensation Appeals Board- 90 days from decision date

Bill Payment and Medical Authorizations

- Effective 9/2/2003 OWCP consolidated FECA medical authorization and bill payment processes with a single company, ACS.
- If you need to speak regarding medical authorization or status of a bill call 1-866-335-8319.

How to get in touch with us

District Office 9 – Cleveland

(Indiana, Michigan, Ohio; All special claims and all areas outside the U.S., its possessions, territories and trust territories)

**Robert Sullivan, District Director
(216) 357-5390**

U.S. Dept. of Labor, OWCP
1240 East Ninth Street, Room 851
Cleveland, OH 44199
(216) 357-5100
Fax: (216) 357-5378

How to get in touch with us

District Office 6 – Jacksonville

(Alabama, Florida, Georgia, Kentucky, Mississippi, No. Carolina, So. Carolina, and Tennessee)

Magdalena Fernandez, District Director

(904) 357-4777

U.S. Dept. of Labor, OWCP

400 West Bay Street, Room 826

Jacksonville, FL 32202

(904) 357-4777 or 4778

Fax: (904) 357-4773

Internet Access

- The Federal Employees' Compensation Act (FECA) and other resource material can be found on the internet.
- <http://www.dol.gov/esa/owcp/dfec/index.htm>
- The Website for ACS is:
- <http://www.owcp.dol.acs-inc.com>

Central Mail Room

- All regular mail and medical bills are to be sent to:
- **U.S. Department of Labor**
- **DFEC Central Mail Room**
- **P.O. Box 8300**
- **London, KY**
- **40742-8300**