Workers’ Compensation Program
Could this happen to you?

- Image: Newscom
Or this?

- Image © KeystoneUSA-ZUMA/Rex Features
In Theater:

Work Related Injuries

- Iraq 607 (Includes fatalities)
- Afghanistan 463 (Includes fatalities)

Total 1070 including fatalities
Types of Injury Claims

Traumatic Injury
- Injury caused by a specific event or series of events *during one work shift*
- **CA-1**

Occupational Disease
- Condition produced in the work environment over a period of *more than one day or shift*
- **CA-2**
Don’t try this in theater.

• Air-conditioner mounting
Federal Employees’ Compensation Act (FECA)

- Federal Employees’ Compensation Act (FECA) passed in 1916
- Exclusive remedy for workplace injuries for Federal employees
- Non-adversarial procedure – is a benefit to injured workers
- Administered by the Department of Labor, Office of Workers’ Compensation Programs (OWCP)
Role of DOL

- The Federal Employees’ Compensation Act is administered by the Department of Labor, NOT the Department of Defense.
- The Department of Labor has final decision on approval and the termination of benefits of all workers’ compensation claims.
- The Division of Federal Employees' Compensation adjudicates new claims for benefits and manages ongoing cases; pays medical expenses and compensation benefits to injured workers and survivors; and helps injured employees return to work when they are medically able to do so.
FECA provides:

- Medical Coverage
- Continuation of Pay
- Compensation for Lost Wages
- Schedule Awards
- Vocational Rehabilitation
- Death/Burial Expenses/Death Gratuity
Medical Coverage

• Civilians requiring treatment while deployed are eligible for medical evacuation and healthcare treatment and services in Military Treatment Facilities (MTF)
• Treatment will be at the same level and scope as provided to Military members
• No cost to the employee
Continuation of Pay (COP)

• Employer continues regular pay for 45 calendar days in cases of traumatic injuries
• COP is subject to taxes and other payroll deductions
• Must file CA-1 within 30 days from date of injury
• Must submit medical evidence supporting disability within 10 days in order to be eligible for COP
Compensation for Lost Wages

- Filed using form CA-7
- Supervisor must complete side 2 of the CA-7 and submit to OWCP
- Medical evidence must support period of disability
- Compensation is paid at 75% of pay if dependents, 66 2/3% if no dependents
- Health Benefits and Optional Life Insurance are deducted
- Tax free
Schedule Awards/Vocational Rehabilitation

- Schedule Award is compensation for loss of a body part or loss of use of a body part.
- Filed on a form CA-7 once Maximum Medical Improvement has been reached.
- Vocational Rehabilitation is available if work related injuries necessitate permanent work restrictions.
Deployed Civilian Death Benefits

• Three types of death benefits available
  – Ongoing benefits through FECA
  – Death gratuity through FECA
  – Death gratuity through employing agency
Deployed Civilian Death Benefits

**Ongoing death benefits through FECA**

- All Federal employees are eligible, not exclusive to deployed civilians
- Filed using a form CA-5
- Spouse receives regular compensation benefits in an amount equal to 50% of the deceased employee’s salary at the time of death; if there are dependent children, the surviving spouse may receive 45% of salary plus an additional 15% for each child, up to a total of 75% of salary. Spousal benefits are payable for life or until remarriage if before age 55; benefits for dependent children continue until they turn 18, or up to age 23 if they are in a full-time undergraduate program
  - If there is no spouse, compensation for one child totals 40% of the salary; compensation for multiple children can be up to 75% of the salary, divided equally among all children
- Benefits are not subject to Federal or state income tax
Deployed Civilian Death Benefits

• **Death Gratuity Payment**
  – Benefit for designated beneficiaries of Federal employees deployed in support of a Contingency Operation
  – One-time $100,000 payment to designated beneficiaries
  • Designate beneficiaries using form CA-40 – submit this form to your personnel office before deploying
    – Paid by FECA
    – Tax free benefit
Deployed Civilian Death Benefits

• Death Gratuity Payment
  – Paid by the employing agency
  – $10,000 one-time payment to designated beneficiaries
  – Death must have resulted from a traumatic injury
  – Subject to income taxes
Requirements for Coverage under FECA

- Timely Filed
- Federal/Civilian Employee
- Fact of Injury
- Performance of Duty
- Causal Relationship
Timely Filed

• Employee has three years from:
  – Date of injury
  – Date of first awareness/should have been aware
  – Date of last exposure
Section 8101 (1) (A) of the FECA defines a Federal employee as: A civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States.
Helmet Please...

- Foreman
Fact of Injury

• Employee must provide factual and medical evidence to establish that an injury occurred as alleged

• Burden of proof rests with employee

• Agency can assist in gathering some evidence
Performance of Duty

The Employees’ Compensation Appeals Board has continuously affirmed that an injury, incident or exposure **must arise out of and in the course of employment** for it to be considered in the performance of duty.
Causal Relationship

• Link between the work-related exposure and the medical condition being claimed
• Established through a medical report from the treating physician
• Medical report should contain history of injury, physical findings present upon examination, test results (if any), diagnosis, well-reasoned opinion as to the link between the work incident and the diagnosed condition
• Types of causal relationship (direct cause, aggravation, acceleration, precipitation)
REPORTING INJURIES
When Injured at Work

- Immediately obtain medical treatment
- Report any work-related injury to your supervisor
- To protect your rights to benefits, complete Form CA-1 or CA-2 electronically using Electronic Data Interchange (EDI) with your supervisor as soon as possible, but not later than 30 days after your injury
REMEMBER

FECA is a benefit available to you in the event of a work related injury – there is no penalty for filing a claim!
How to File a Claim

- Electronically using Electronic Data Interchange (EDI) with your supervisor
  
  https://cacdiucs.cpms.osd.mil/forms/frmservlet?config=SAFER_AL_ONE_PRO

- If EDI is not available you may also file your claim in paper format

NOTE: Someone MAY file a claim for you on your behalf
Where do I find Evidence?

- Your Doctor
- Federal Medical Officers/Hospitals
- Safety Officer
- Police Reports

What is good evidence?

- Narrative medical reports
- Tests, x-rays, treatment notes, etc.
- Pictures
Or this ... Stay Safe at all times

- Electrician
Internet Resources

http://www.cpms.osd.mil/expeditionary/

and


Provides up-to-date information on injury compensation issues. Also provides links to sites pertaining to the workers’ compensation program.

http://www.dol.gov/owcp/dfec/
Do Not Attempt at Home!

- Mechanic