

# Injury Compensation Insider

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Presidential POWER memorandum sets performance improvement goals in workplace safety and injury claims management:

[http://www.whitehouse.gov/the-press-office/presidential-memorandum-power-initiative-protecting-our-workers-and-en](http://www.whitehouse.gov/the-press-office/2011/03/17/presidential-memorandum-power-initiative-protecting-our-workers-and-en)

*“There is no season such delight can bring, as summer, autumn, winter, and the spring.”*

—William Browne  
(c. 1591—c. 1645)

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## DLA Human Resources Services, Injury Compensation Office Welcomes New Team Member

The DLA Human Resources Services, Injury Compensation office is pleased to welcome its newest team member, Douglas Bowker. Mr. Bowker fills the Injury Compensation Specialist position previously occupied by outgoing team member, Mr. Todd Dolan, in our DLA Distribution Susquehanna satellite office.

Mr. Bowker comes to DLA with a strong background in the Federal workers’ compensation program. Prior to reporting for duty at DLA, Mr. Bowker served as a Human Resources Specialist for the Department of Defense Education Activity in Peachtree City, Georgia. He also served as a Claims Examiner in the U.S. Department of Labor, Office of Workers’ Compensation Programs New York City, New York District Office. His dual perspective of the workers’ compensation program makes him a valuable resource for the Injury Compensation Office staff members and for our DLA customers.

Mr. Bowker, and co-worker Ms. Francisca “Frankie” Stroman, are located in the Injury Compensation office on the 2nd floor of the EDC Building 2001 in New Cumberland, Pennsylvania. DLA Distribution Susquehanna employees and supervisors with questions or concerns regarding work-related injury claims may contact Mr. Bowker via telephone at (717) 770-4424 or via fax at (717) 770-4662. Alternatively, they may visit the office and meet with him in person during normal business hours Monday—Friday.



Hail and Farewell: Douglas Bowker (left) replaces Todd Dolan in the DLA Human Resources Services, Injury Compensation satellite office located at DLA Distribution Susquehanna.

## Proposed Changes Seek to Overhaul Workers’ Compensation Benefits for Federal Employees

On April 13, 2011, the U.S. Department of Labor, Office of Workers’ Compensation Programs’ Acting Director, Gary Steinberg testified before the House Oversight and Government Reform subcommittee, proposing changes to overhaul workers’ compensation benefits for federal employees. Among the proposed changes:

- injured employees would receive 70% of their salaries, tax-free, until they reach retirement age. At that time, they would get a smaller benefit. Upon reaching regular Social Security retirement age (and after receiving full bene-

fits for at least one year) wage-loss benefits would be reduced to 50% of the gross salary at the date of injury.

- allow for vocational rehabilitation, where appropriate, as early as six-months after the injury.

- increase the authority to use Physicians’ Assistants or Nurse Practitioners to certify disability during the Continuation of Pay period.

- change to schedule award payment structure to ensure that compensation is more equitably paid for comparable losses.

## Case Law: “I Can See Clearly Now...” And My Compensation is Gone

Video surveillance is a wonderful thing. Consider the case of: *K.M. and U.S. Postal Service, 111 LRP 9183, ECAB 10-695, 1/25/11.*

In this case, the employee struck her head on a metal frame inside a postal vehicle when she backed into a pothole. She claimed that as a result of the accident, she suffered from daily blurred vision and headaches, memory lapses, and had a limited ability to perform many activities. A computerized tomography scan of the head completed 3 weeks after the injury was interpreted as normal. The U.S. Department of Labor (DOL) accepted the claim for an open wound on her forehead.

The employee submitted medical documentation supporting that she could not work for several months following



the injury. DOL paid compensation benefits. The employing Agency investigated the claim for potential fraud. An agent observed the employee frequently doing activities she and her doctor said she could not: bending, stooping, exercising at a gym, walking up flights of stairs to her residence, swimming, and taking long walks on the beach. These activities were recorded using video surveillance.

Upon direct interview, the employee stated she could only perform limited activities. She was advised that she had been observed doing otherwise, but she did not change her story. When her doctor was shown video highlights, he said the employee had misrepresented her disability. DOL subsequently terminated benefits.

### DOL Contact Information For Employees and Medical Providers:

- Interactive Voice Response System (IVRS) provides automated information regarding bill status and medical authorization request status 24/7 by dialing: (866) 335-8319
- Automated information regarding compensation payments is available 24/7 by dialing: (866)-692-7487
- The Affiliated Computer Services (ACS) website provides information on medical bills, treatment authorizations, and provider enrollment, and can be reached 24/7 at: <https://owcp.dol.acs-inc.com/portal/main.do>
- To speak with a Customer Service Representative regarding bill payment, treatment authorization, or provider enrollment issues, employees and medical providers may call: (850) 558-1818
- Prescription Benefits and Processing Questions: (866) 664-5581



Funding for salaries, benefits, and overhire authority for the first year of reemployment

### DOD PIPELINE PROGRAM

If you have a job to do, we want to hear from you!  
**(866) 737-9724**  
<http://www.cpms.osd.mil/pipeline/pipeline.aspx>

## DLA Supervisors Play Key Role in Presidential POWER Initiative Success

On July 19, 2010, President Obama issued the POWER Initiative: **P**rotecting **O**ur **W**orkers and **E**nsuring **R**eemployment. This initiative seeks to reduce Federal workplace injuries, improve efficiency in processing injury claims, and promote positive return-to-work outcomes.

The Injury Compensation office wants to ‘em-POWER’ all supervisors and managers to support Initiative Goal IV (increase timely filing of workers’ compensation claims) by reminding them of their

obligations to process all injury claim paperwork expeditiously.

5 C.F.R Title 20, Subpart B, Section 10.110(a) requires that the employer shall complete the agency portion of form CA-1 or CA-2 no more than 10 working days after receipt of notice from the employee. The term ‘notice of receipt’ refers to the date on which the injured employee provided written notice of injury. This key date is captured in Block 23 on the CA-1 form and in Block 26 on the CA-2. It does not refer to a verbal notification date.

## Timeliness Key for POWER Goals IV & V

The timely filing of work-related injury/illness (CA-1/CA-2) and wage-loss claims forms (CA-7) ensures that employees are able to receive prompt medical care and other benefits to which they may be entitled. It will also help the Agency to achieve its objectives under POWER Initiative Goal IV—increasing the timely filing of workers’ compensation claims, and Goal V—increasing the timely filing of wage-loss claims.

Supervisors and managers should take prompt action to complete the Agency portion of any claims forms they receive and ensure that they are submitted to the Injury Compensation office expeditiously.

Currently, DLA’s timeliness rate for the submission of new CA-1 and CA-2 injury/illness claims is 74%. For CA-7 wage-loss claims, it is 73.5%. Improvements in both areas are needed.

**April showers** is a term that denotes spring rains in some parts of the northern hemisphere, in particular the United Kingdom, during the month of April. One of the major causes of the often heavy downpours is the position of the jet stream. In early spring, the jet stream starts to move northwards, allowing large depressions to bring strong winds and rain in from the Atlantic.  
**(Source: [www.answers.com](http://www.answers.com))**

## Case Law: Alleged Exposure to Co-Worker's Cologne Not Strong Enough to Support Claim

The nose knows. Sometimes though, even too much is not enough. Consider the case of *L.M. and Department of Transportation, Federal Aviation Administration, 110 LRP 71432, ECAB, 11/5/2010*:

In this case, an employee alleged that her exposure to a co-workers' cologne caused her to develop multiple chemical sensitivity and toxic encephalopathy—a degenerative neurologic disorder. The employee stated she developed headaches and other symptoms as a result of the exposure. A lack of medical evidence resulted in her claim being denied by the U.S. Department of Labor (DOL). The employee requested an oral hearing.

The Hearing Representative remanded the case to DOL for further development, and the employee was referred for a second opinion (SECOP) exam.

The SECOP physician opined that the employee's condition was not causally related to exposure of cologne at work. The claim was again denied. The employee again appealed, this time going to the Employees' Compensation Appeals Board (ECAB). ECAB found that there was an unresolved medical conflict.

Subsequently, the employee was referred for an impartial medical evaluation to resolve a conflict of medical opinion. The referee physi-

cian was a Board-certified allergist with impressive credentials. He provided a detailed medical opinion supporting that multiple chemical sensitivity was not a legitimate diagnosis as it was not generally accepted by the medical community. He found no factual basis for the toxic encephalopathy diagnosis.

He did find; however, that the employee had a lifelong history of allergic rhinitis, recurrent sinusitis, and headaches none of which were work-related. He opined that the employee's exposure to the cologne at work did not permanently aggravate any of the employee's pre-existing medical conditions. The claim was ultimately denied.

Got Fraud?

- Claim Inconsistencies
- Doctor-shopping
- Filing multiple claims

Defense Logistics Agency

All DLA employees and supervisors are asked to remain vigilant toward FECA fraud.



DLA Office of Accountability

*Contact:*  
Special Agent  
Patrick Gookin  
(703) 915-9580

*A conviction of fraud can result in fines, jail time, and forfeiture of benefits*

## Case Law: A Bird in the Hand Equals...One Injured Eye and a Denied Claim

Sometimes, nice guys do finish last. Consider the case of *D.F. and Department of Navy, ECAB Docket No. 05-771, 6/15/05*:

In this case, an employee was injured while on temporary duty travel (TDY) status. The employee reported that after checking into the hotel, he had gone for a walk on the beach nearby for exercise. During his walk, he notice a Great Blue Heron in distress, having become entangled in a fisherman's line. The employee went to rescue the bird and sustained an eye injury



from the animal after he had freed it.

DOL denied the claim, finding that the employee was not in performance of duty when the injury occurred. The employee appealed.

On appeal, ECAB noted that an employee has coverage under the Federal Employees' Compensation Act for 24 hours a day for activities reasonably incidental to his/her official duties. In this case, the employee's bird rescue effort was considered to be a deviation from the official purpose of the TDY trip. The claim was denied.

## The Injury Compensation Staff Have Been Asked...

**Q:** I was told that my 45 days of Continuation of Pay (COP) are expiring, and that I must make a choice of leave status if I remain disabled for work. What choices do I have?

**A:** If an injured employee's disability for work extends beyond his/her COP entitlement period, he/she then has the choice of using sick or annual leave, or requesting a leave without

pay status and filing form CA-7, *Claim for Compensation*, to receive wage-loss compensation benefits from DOL.

**Q:** If I elect to file a CA-7 form, how and when should it be done?

**A:** Generally, the CA-7 form should be completed by the injured employee and his/her supervisor every two

weeks while the disability for work continues. The CA-7 form should be considered to be a time and attendance form; and as such, it should be completed in accordance with the employee's biweekly payroll process. In cases involving extended disability for work, DOL has the discretion to place the employee onto their periodic compensation rolls. In this status, a compensation payment is generated by DOL to the employee every 28 days.



**DLA Human Resources Services  
Injury Compensation**

**Defense Logistics Agency  
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**(703) 767- 7494/2958                      Toll Free: (866) 737-9724**

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The DLA Human Resources Services, Injury Compensation Office is designed to provide the best possible service to the injured employee while efficiently and effectively managing the processes and costs of the Agency’s workers’ compensation program.

The Injury Compensation office officially opened for business on November 4, 2002. It is based at DLA Headquarters in Fort Belvoir, Virginia, with two satellite offices located at the DLA Distribution Depots in San Joaquin, California and Susquehanna, Pennsylvania. It is currently staffed by a team of nine (9) Specialists and five (5) Assistants operating under the supervision of the Director, DLA Injury Compensation Program. The staff members offer over 130 years of expertise in the Federal Personnel and Workers’ Compensation program areas.

*Poetry for Spring:*

*“The sun was warm but the wind was chill,  
You know how it is with an April day  
When the sun is out and the wind is still,  
You’re one month on in the middle of May.  
But if you so much as dare to speak,  
A cloud comes over the sunlit arch,  
A wind comes off a frozen peak,  
And you’re two months back in the middle of March.”*

—Robert Frost  
(1874—1963)

(Source: [www.factmonster.com](http://www.factmonster.com))

Is there a topic you want us to write about? Please send us your ideas at: [ICC@dla.mil](mailto:ICC@dla.mil)

**Putting the Knowledge to the Test: What Would You Do?**

Knowledge is power, so the saying goes. Applying that knowledge in a real-life situation though, takes skill. Looking for a challenge? Read the scenario below and then choose the best answer from the choices that follow. The solution is available on our web site: <http://www.hr.dla.mil/resources/benefits/InjuryNewsletters.html>

**Scenario:** You are a supervisor with an employee who was injured while playing volleyball at the office picnic last week. By history, you know that the office picnic is an annual organizational event that occurs on the Agency’s property, and employee participation is completely voluntary. The employee states he heard something pop in his wrist and he is planning to go to the doctor for an evaluation. He tells you that he wants to file a claim for a work-related injury. What do you do?

- A. You provide the employee with a CA-1, *Notice of Traumatic Injury*, and you assist him in filing a work-related injury claim as he has requested.
- B. You advise the employee that you have some concerns as to whether the circumstances of the accident meet the criteria for establishing a work-related injury claim. You provide the employee with a CA-1, *Notice of Traumatic Injury*, and you assist him in filing a work-related injury claim. However, you advise the employee that you will be controverting (i.e. challenging) his claim on the basis that the injury did not occur during the performance of official duties.



**Bonus Question:** if the employee’s injury causes him to miss work, what timekeeping options are available for use in this situation?

For information on recording employee absences due to work-related injuries and illnesses, check out our website: <http://www.hr.dla.mil/resources/benefits/injurycomp.html>