

PUZZLE SOLUTION - April 2011 Newsletter

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?

The best answer is:

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.

Legal Precedent: In *Luis A. Velez v. Department of the Army, Tobyhanna Army Depot*, 56 ECAB 05-755, June 17, 2005, the Employees' Compensation Appeals Board (ECAB) found that a claimant did not suffer an injury in the performance of his federal duty when he was hurt during an employer-sponsored softball game. ECAB ruled that an employer-sponsored recreational activity on federal property does not expose the agency to workers' compensation liability if the employee's participation is completely voluntary, is not a regular employment event, and does not benefit the employing agency beyond general employee health and morale.

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

Answer: Assuming the employee files the CA-1 form within 30 days of the date of injury and he provides medical documentation supporting his work absence, Continuation of Pay (COP) may be granted. Alternatively, the injured employee may elect to use his own sick or annual leave. Although the claim will be controverted, there are only limited circumstances in which the Agency may refuse to pay COP. These nine reasons are stated in detail in the Instructions section for the CA-1 form. If the claim is ultimately denied, any COP previously granted will need to be recouped, and the time charged instead to the employee's sick or annual leave at his preference. If the employee does not have sufficient leave to cover his absence, then the COP will be deemed an overpayment and the employee will receive an indebtedness notice.