Workers' Compensation Update from the DLA Human Resources Services

Injury Compensation Insider

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What to do When Injured at Work:

- Immediately report any work-related injury to your supervisor.
- Complete form CA-1 or CA-2 timely.
- Obtain needed medical care.
- Keep your supervisor informed about your medical status.

"Tell me and I'll forget. Show me, and I may not remember. Involve me, and I'll understand."

—Native American Proverb

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Workers' Compensation Fraud Investigations Continue to Produce Cost Savings for Agency

Say the "F" word and people listen. F—as in 'fraud,' that is. The professionals from the DLA Accountability Office aggressively pursue the investigation and prosecution of Federal Employees' Compensation Act (FECA) fraud. Their efforts made 2010 a lucrative year for the Agency in both compensation cost recovery and future cost avoidance; and therefore, should also serve as a strong deterrent to anyone contemplating testing the system. Some highlights:

Julius Chambers was sentenced in U.S. District Court on October 21, 2010. His father was a DLA Distribution FECA recipient. When his father passed away, Mr. Chambers forged official compensation-related paperwork for three years and stole $84K in FECA benefits. He was sentenced to one year in Federal prison, and ordered to make full restitution to DLA.

Also on October 21, 2010, Dixi Beasley, a former DLA Disposition Services employee, pled guilty to FECA fraud. She forged medical documents in her claim which kept her out of work for over one full year. DLA will receive the equivalent of her annual salary in restitution. Additionally, her FECA benefit entitlement has been terminated, resulting in a future cost savings to the Agency totaling more than $2M.

On September 1, 2010, John Hansen, a former DLA Document Services employee, pled guilty to fraudulently obtaining FECA benefits totaling more than $636K over the course of 26 years. Mr. Hansen deceived his physician into providing annual reports supporting permanent disability. During this time, he worked on refurbishing homes, boats, and cars; he also worked as a repossession agent, as well as performing various jobs in construction. Agents seized $30K cash from his home, $50K from his bank Safety Deposit Box, and $410K from his OPM retirement account as restitution to DLA. Mr. Hansen was also sentenced to jail time. Future compensation cost savings is projected to be $3.2M.

Supervisory Reminder: Injury Claim Paperwork Must Be Handled Promptly

DLA supervisors and Agency officials are reminded of their obligation to promptly handle all injury claim paperwork. Doing so not only ensures that injured employees receive timely medical care and/or compensation benefits to which they are entitled; but, also avoids potential legal trouble.

Federal law provides in 18 U.S.C. 1922 that: *Whoever, being an officer or employee of the United States charged with the responsibility for making the reports of the immediate superior specified by section 8120 of title 5, willfully fails, neglects, or refuses to make any of the reports, or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under subchapter I of chapter 81 of title 5 or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under that subchapter or any extension or application thereof, or regulations prescribed thereunder, shall be fined under this title or imprisoned not more than one year, or both.*

Case Law: No 'Fowl' in Lung Fungus

In the natural world, fungi are both good and bad. They can be used to develop antibiotics, or they can make us sick. Consider the case of *F.W. and Department of the Navy, 110 LRP 29890 ECAB 2010.*

In this case, an employee developed a fungus in his lungs, spine, and brain, which he claimed was caused by exposure to bird droppings at work. He submitted witness statements indicating that bird droppings were present in the warehouse where he worked.

The agency challenged the claim, stating that a recent site inspection had revealed no evidence of bird droppings and that the warehouse was deemed an acceptable environment in which to conduct business.

The employee provided medical documentation from several doctors who could not reach absolute consensus on the cause of his condition. The physicians who supported a work-related cause couched their opinions in terms of a 'possible' or 'more likely than not' connection between the inhalation of fecal elements and the employee's pulmonary and respiratory symptoms.

A U.S. Department of Labor medical advisor, in contrast, stated that according to the Centers for Disease Control and Prevention, the rare type of fungus the employee contracted was found in samples from soil and on trees, woodchips, footwear, and cars—thus making it highly unlikely that the condition was related to the exposure to bird droppings. The claim was denied and the employee appealed.

On appeal, the Employees' Compensation Appeals Board upheld the denial citing the deficiency of the medical evidence.

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

Case Law: Issuing CA-16 Form Creates Contractual Agency Obligation to Pay Costs

Signing a CA-16 form creates a contractual Agency obligation to pay for the cost of medical treatment regardless of the action the U.S. Department of Labor (DOL) takes on the claim. Consider the case of D.W. v. Department of the Interior, 110 LRP 70012, ECAB 11/3/10:

In this case, the claimant sustained a puncture wound to the hand. His agency issued a CA-16 form, allowing him to seek treatment. The claimant received medical care; however, insufficient documentation caused DOL to deny his claim. With their denial, DOL advised that prior authorization for treatment was terminated.

On appeal, the Employees' Compensation Appeals Board (ECAB) reversed DOL's denial, finding that certain clear-cut traumatic injury claims may not require fully rationalized medical evidence. ECAB further noted that DOL could not terminate its prior authorization for treatment given by the CA-16.

Things to Consider When Selecting a Physician

The Federal Employees' Compensation Act permits injured employees to select a treating physician. When doing so, there are a few things employees may wish to consider:

—Employees should confirm whether the medical provider accepts Federal workers' compensation patients.

—Employees need to ensure that all medical documentation is signed by a Medical Doctor, and not a Physician's Assistant or Nurse Practictioner.

—Employees should consider the distance they are traveling to seek medical care; generally, a distance of up to 25 miles is considered reasonable by the U.S. Department of Labor.

—Employees should confirm which private health insurance plans the medical provider accepts in the event the work-related injury claim is denied.

Ever Wonder Why Snow Looks White?

It all has to do with air. Objects get their color by absorbing or reflecting different wavelengths of light. White is the result of reflection of all colors. Snow and snowflakes are ice crystals mixed with air molecules. The air gaps between crystals, along with their complex shape reflect light out giving it a white color. **(Source: www.answers.com)**

Case Law: Rental Car Companies Will "Get You There" But DOL Won't Necessarily Pay For It

These days, it costs a lot to get around. Consider the case of *D.C. v. Department of the Air Force, 110 LRP 72243, November 30, 2010*:

In this case, the claimant suffered serious injuries in a 1975 motor vehicle accident. He sought reimbursement for car rental fees and gasoline to attend numerous medical appointments.

The U.S. Department of Labor (DOL) authorized two of the car rental fees as "nonemergency transport taxi," but denied the remainder as the claimant did not present evidence of medical necessity of renting a car. DOL did note to the claimant that he could request mileage reimbursement for gasoline costs and wear and tear on his vehicle on the dates the car rental was denied. The claimant requested reconsideration from DOL.

On appeal, the claimant argued that his car had mechanical problems and could not be driven long distances. He also pointed out that DOL had authorized previous car rentals. He further contended that renting a car was far cheaper than a $600.00 ambulance ride.

Section 8103 of the Federal Employees' Compensation Act provides that an employee may be reimbursed for necessary and reasonable transportation and other expenses incidental to securing medical treatment for a work-related injury. DOL has discretion in determining what is necessary and reasonable.

Using that discretion, DOL considered the fact that the claimant owned an automobile, and that he did not establish that it was not drivable on the dates in question. Additionally, the claimant did not submit medical evidence explaining that the rental car was a medical necessity. As such, they declined to modify their prior decision.

On further appeal, the Employees' Compensation Appeals Board found that DOL did not abuse its discretion by denying the travel expenses.

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
(910) 451-0976

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

Third Party Claims 101

The term 'third party' refers to claims where the liability for a work-related injury falls on a person or entity other than the Federal government. In such situations, the Government has a subrogation interest—the right to recover any payments it makes should the injured employee collect money or other property in satisfaction of that liability because of a suit or settlement.

While a claim is pending against the third party, the U.S. Department of Labor (DOL) will pay medical and compensation benefits to which the injured employee is entitled. If a recovery is made, the employee must first pay outstanding legal fees and costs. He or she is then entitled to retain 20 percent of the remaining amount, plus an amount equivalent to a reasonable attorney's fee in proportion to the sum which will be owed to DOL. The latter amount generally includes the total medical and compensation payments made by DOL up to the time of settlement. The injured employee retains any money remaining, which is credited against future benefit claims.

The Injury Compensation Staff Have Been Asked...

Q: I was told my claim has been controverted by my Agency. What does this mean?

A: The term 'controvert' is another word for challenge or dispute. An agency may controvert an entire injury claim, or certain elements of it, such as an injured worker's entitlement to Continuation of Pay, for example, where there is reason to believe no entitlement to benefits exists.

Q: My injury compensation specialist told me that my recent fall at work appears to be an 'idiopathic' one and my claim is being challenged. Why?

A: An idiopathic fall is a fall caused by a personal disease or illness of the employee, such as a heart attack, fainting spell, or epileptic seizure, which is not work-related. Injuries caused by such conditions are not covered under the Federal Employees' Compensation Act (FECA) unless there is some intervening employment-related issue. For example, when falling to the floor, the employee hit the corner of a desk causing a head injury. FECA coverage would likely be extended to the head injury, but not the underlying condition that caused the fall.

DLA Human Resources Services
Injury Compensation

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Brrrr...it's cold outside. Grab some hot chocolate and ponder these winter trivia questions:

—What is the difference between sleet, hail, and freezing rain? ***Answer****: Hail is a chunk or stone of ice dropped from a thunderstorm. Sleet is frozen rain. Freezing rain is liquid rain that freezes to a surface such as the road or a tree.*

—Can it snow from clear skies? ***Answer****: Yes. Ice crystals sometimes fall from clear skies when temperatures are in the single digits or colder.*

—On average, one inch of rain is equivalent to how many inches of snow? ***Answer****: 10 inches of snow melts down to about an inch of liquid rain.*

(Source: www.erh.noaa.gov)

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.

Is there a topic you want us to write about? Please send us your ideas at: 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 is requesting a form CA-16, *Authorization for Treatment*, in order to seek medical care. By history, you are aware that the employee reported a work-related injury to you on form CA-1, *Notice of Traumatic Injury*, 10 days ago. At the time of the original injury, the employee elected not to seek medical care, but he indicated that he may do so in the future. Both you and the injured employee have received a letter from the DLA Human Resources Services, Injury Compensation office advising that the injury claim was submitted to the U.S. Department of Labor (DOL) and that a claim number has been established for the injury. What do you do?

A. You provide the employee with the CA-16 form as requested.

B. You advise the employee that generally, the CA-16 form is used to cover a need for emergency medical treatment. You advise that because more than one week has passed from the injury, the Agency may refuse to issue a CA-16 on the basis that the need for immediate treatment would have become apparent in that period of time. You advise the employee that because he has already received a claim number from DOL, he should provide that claim number to the physician's office for them to use for treatment authorizations and/or medical bill payment.

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**