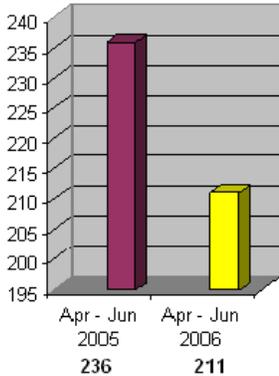


ICC Insider

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New Injury Claims Received by the ICC



New ICC Dashboard Report Provides Workers' Compensation Data at a Glance

The DLA Injury Compensation Center (ICC) announces the new Dashboard Report. The Report provides DLA Field Activity Directors and Commanders with workers' compensation program statistics specific to their organizations. Included within the Report is information on the number of new injury claims received by the ICC, the timeliness rate of claims submission, and the number of lost production days. Additionally, information is provided regarding the number of claimants on the long term compensation payment rolls, as well as a summary of workers' compensation program costs and savings.

Workers' Compensation Dashboard (DLA)
Chargeback Year 2006 (July 1, 2005 - June 30, 2006)

Chargeback Qtr	1st	2nd	3rd	4th	YTD	1st	2nd	3rd	4th	YTD
New Injury Claims Received by ICC	222	173	194	211	800	75%	68%	69%	76%	70%
CCP Hours	489	535	446	546	1,980	1,475	1,475	1,475	1,475	5,875
Lost Production Days	683	966	780	847	2,876	1,291	1,291	1,291	1,291	4,954
Long Term Rolls	521	521	702	N/A	N/A	\$4,143	\$4,000	\$5,100	\$5,170	\$18,413
Medical	\$1,000	\$1,100	\$1,100	\$1,200	Actual	\$100	\$100	\$100	\$100	\$400
Compensation	\$4,000	\$3,900	\$4,000	\$3,900	Projected	\$700	\$700	\$700	\$700	\$2,800
Total	\$5,000	\$5,000	\$5,100	\$5,100		\$800	\$800	\$800	\$800	\$3,200

New Dashboard Report will be provided to DLA Management on a quarterly basis.

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"It all depends on how we look at things, and not how they are in themselves"—Carl Jung (1875-1961)
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The goals listed on the Report were established in accordance with the Secretary of Defense SHARE Initiative: reduce total injury case rates and lost time case rates by 3 percent each year; increase the timely filing of claims by 5 percent each year; reduce the rate of lost production days due to injury by 1 percent each year. Color-coded indicators included in the Report gauge organizational progress toward meeting these goals.

The inaugural Dashboard Report was electronically transmitted to DLA Field Activity Directors and Commanders on August 1, 2006. Future issuances will occur on a quarterly basis. Data for Depot Commanders will be available by the end of the year. This is the first time that the ICC has been able to provide this detailed level of data to our customers. We are very excited about the relationship that this will build with our customers. Our continued partnership with our customers will allow us to reach our common goal of taking care of our injured employees while keeping our costs to a minimum.

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ACS Web Portal Enhancement Makes Accepted Condition Diagnosis Codes Readily Available

The Office of Workers' Compensation Programs (OWCP) recently announced a new enhancement to the Affiliated Computer Services (ACS) web portal located at: <http://owcp.dol.acs-inc.com>. This enhancement allows injured workers and their medical providers to view the specific diagnosis code(s) OWCP has accepted for a claim.



Access to this information is intended to help facilitate the medical authoriza-

tions and billing processes. ACS is the contractor utilized by OWCP for both functions. Questions regarding this enhancement may be directed to ACS by calling (850) 558-1818. Online guidance is also available on the ACS web portal.

Injured workers are reminded to share a copy of their OWCP claim acceptance letters with their medical providers. These letters contain the accepted condition diagnosis codes as well.

Fear of Exposure to Infectious Agents Does Not Entitle An Employee to Compensation Benefits

The Federal Employees' Compensation Act (FECA) does not provide for payment of expenses associated with simple exposure to an infectious disease without the occurrence of a work-related injury. Infectious diseases may include tuberculosis, hepatitis, and human immunodeficiency virus (HIV).

Under Occupational Safety and Health Administration (OSHA) regulations, 29 CFR 1910.1030, an exposure incident is defined as a "specific eye, mouth, or other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Both a work-related injury and exposure to a known carrier must

occur before the Office of Workers' Compensation (OWCP) can pay for diagnostic testing.

For example, an employee receives a puncture wound from a needle used to draw blood from a patient. If that patient is known to be infected with HIV, then OWCP would pay benefits associated with the puncture wound as well as for diagnostic studies to rule out the presence of the infectious disease.

An employee's fear of exposure to an infectious agent does not entitle the worker to benefits under FECA since no definable injury has occurred. For example, an employee transports an injured worker to the hospital for

treatment and later finds out that the injured employee has tuberculosis. Although there is no OSHA defined "exposure incident" the good Samaritan employee then becomes fearful because exposure might have occurred.



In a situation like this, employees may suffer anxiety for their health, and employing agencies should take these concerns seriously when an actual exposure has occurred. Supervisors may use the authority under 5 USC 7901, to authorize screening or other testing, as well as counseling for their own employees. Such action should be coordinated with Human Resources and the Safety and Occupational Health offices.

Positional Risk Doctrine Supports Compensability for Injuries Caused by Neutral Force

The "Positional Risk Doctrine" provides that an injury arises out of the employment if it would not have occurred but for the fact that the conditions and obligations of the employment placed the employee in the position (location and time) where he or she was injured by some neutral force. "Neutral" is defined as a force neither personal to the claimant, nor distinctly associated with the employment.

All risks causing injury to an employee fall within three categories: employment, personal, and neutral. Injuries resulting from employment-related risks are universally compensable. Injuries resulting from personal-related risks are universally non-compensable. The Employees' Compensation Appeals Board has held that injuries arising in the course of employment due to neutral

risks are compensable. Some examples of neutral risks:



—**Assaults** if the risk of assault is increased because of the nature or setting of the work, or if the reason for the assault resulted from a work-related quarrel.

— **Unexplained Falls or Injuries** which cannot be attributed to either the employment or personal factors.

Burden of Proof—Whose Responsibility Is It?

The status of a workers' compensation claim determines who bears responsibility for the burden of proof. When a claim is initially filed, the injured worker is responsible for establishing the essential elements: time, civil employee, fact of injury, performance of duty, and causal relationship.



OWCP will help the employee to meet this responsibility by requesting evidence needed to establish these elements if such information is not included with the original claim submission.

Once OWCP has accepted a claim, it has the burden of justifying any termination or modification of compensation benefits. Under such circumstances, OWCP must

establish, by weight of medical evidence, either that its original determination was erroneous or that the employment-related disability has ceased. When this occurs, OWCP first issues a notice of proposed termination followed by a formal decision letter. Appeal rights are afforded to the injured worker.

Employer-Sponsored Recreational Activity May Not Incur Liability for Injury

It's that time of year again. The lazy, crazy, hazy days of summer give rise to countless organizational picnics, tournaments, and other gatherings. However, before signing up for the softball game, horseshoe tournament, or other comparable events, employees should be aware of where the ultimate liability may lie in the event of an injury.



regular employment event, and does not benefit the employing agency beyond general employee health and moral. The case is *Luis A. Velez v. Department of the Army*, 56 ECAB 05-755, June 17, 2005.

In reaching its ruling, ECAB stated that a recreational or social activity arises in the performance of duty when at least one of the following

criteria exists:

—It occurs on the premises during a lunch or recreational period as a regular incident of the employment.

—The employer expressly or implicitly requires participation or makes the activity part of the employee's duties.

—The employer derives substantial direct benefit from the activity beyond the intangible value of improving employee health and morale that is common to all kinds of recreation and social life.

In the *Velez* case, the appellant was injured during an employer-sponsored softball game on Federal property. ECAB found that the requirement that the employment caused the injury was missing in the case. It also found that mere sponsorship of the event did not rise to the level of compulsion to participate; and that there was no evidence that the softball game in any way related to the employing agency's business.

The Employees' Compensation Appeals Board (ECAB) has 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

CAP Provides Reasonable Accommodation Solutions for Disabled Employees

The Computer/Electronic Accommodation Program (CAP) was established in 1990. It is a centrally funded program that provides assistive technology (AT) and reasonable accommodations to people with disabilities free of charge to any DLA organization. The CAP website is <http://www.tricare.osd.mil/cap/>.

AT is defined as products, devices, or equipment, whether acquired com-

mercially, modified or customized, that are used to maintain, increase or improve the functional capabilities of individuals with disabilities. AT can be used in conjunction with reasonable accommodation, which is any modification or adjustment to a job that will enable a qualified employee to perform the essential functions of the position. Similarly, CAP supports the needs of workers' compensation claimants by providing

ATs that enable employees to stay on the job or expedite their return to work.

For further information, employees or supervisors should contact their local DLA Field Activity Equal Employment Opportunity Office and speak with the Disability Program Coordinator. For a listing of DPCs, please visit:

http://www.dla.mil/do/pwd_coordinators.asp.

The ICC Staff Have Been Asked...

Q: How do I handle time & attendance for my employee who took the entire workday off to attend a medical appointment?

A: As a rule, no more than four hours of compensation or continuation of pay should be allowed for routine medical appointments. Longer periods of time may be allowed when required by the nature

of the medical procedure and/or the need to travel a substantial distance to obtain the medical care.

Q: I've been referred to a medical specialist for a consultation. Do I need an authorization?

A: An authorization is not required when an injured worker is referred by his/her treating physician to a specialist for a consultation. However, the

medical provider must be enrolled with the U.S. Department of Labor (DOL) in order to be paid for the consultation visit.

Q: Has the ICC authorized my surgery?

A: All treatment authorizations are made by DOL not the ICC. To check the status, the employee or his/her physician may call (850) 558-1818.

CONTACTING THE ICC

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DSN Prefix 427
Fax: (703) 767-7128 or (703) 767-8348 DSN 427
Email: ICC@dla.mil
Website: <http://www.hr.dla.mil>



The DLA Injury Compensation Center (ICC) was established to provide comprehensive claims processing assistance to the entire Agency and its serviced customers. Concurrent with its operational responsibilities, the ICC is also focusing on cost reduction by performing extensive chargeback review and case management. All Agency workers' compensation case files are maintained by the ICC, located at DLA Headquarters in Fort Belvoir, VA.

The ICC officially opened for business on November 4, 2002 and is currently staffed by a team of six (6) Specialists and three (3) Assistants under the direction of the DLA Injury Compensation Program Manager.

Catch Those Zzzzzzz's... 8 Simple Steps to Great Sleep:

1. Stay on Schedule
2. Dress for Sleep
3. Upgrade Your Mattress
4. Watch Those Pre-Bed Workouts
5. Move the TV
6. Avoid Caffeine and Alcoholic Beverages
7. Eliminate Disturbing Sounds and Light
8. Eat a "Sleepy Snack"

Source: Lori Davis, *Prevention Magazine*;
www.prevention.com; August 2006



"All human actions have one or more of these seven causes: chance, nature, compulsions, habit, reason, passion, desire." — Aristotle (384 BC—322 BC)

Workers' Compensation Vocabulary Skill Builder Helps Employees 'Learn the Lingo'

Knowledge is power, so the saying goes. If you're feeling game, give this vocabulary skill builder a try. Using the workers' compensation vocabulary list on the right, determine the best answer to fill in the blank in each sentence below. The solution is available on our web site: <http://www.hr.dla.mil/hr/bnfts/owcp/owcp.htm>



1. _____ are regular or special-assigned employment duties or a requirement imposed by employment.
2. _____ is a measure of the employee's ability to earn wages in the open labor market under normal conditions, given the nature of the employee's injury, the degree or vocational qualifications, and the availability of suitable employment.
3. _____ is deliberate conduct, involving premeditation, obstinacy or intentional wrongdoing with knowledge that it is likely to result in serious injury.
4. _____ refers to those duties and responsibilities, either within or outside an employee's regular position, that meet the employee's current medically prescribed work capabilities.
5. _____ is the time period for which compensation may be claimed during which an injured employee is unable to work because of disability or medical treatment.



- Lost Time**
- Light Duty**
- Willful Misconduct**
- Wage-Earning Capacity**
- Factors of Employment**