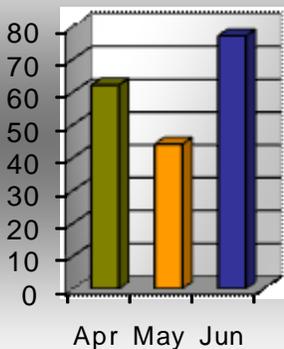


DHRC-I Insider

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New Injury Claims Received by DHRC-I 3rd Quarter 2009



“What you see depends on what you’re looking for.”

— Anonymous



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Former Red River Army Depot Employee Pleads Guilty in Workers' Compensation Fraud

Here we go again. Fraud—the ugly side of the benefits business. Think it only happens in other agencies? Think again. Recently, a Defense Logistics Agency (DLA) employee pled guilty in Federal court to receiving more than \$100,000 in workers' compensation and disability insurance benefits while actually earning a paycheck.

At the time of his injury in 2000, the employee had worked for the Red River Army Depot (RRAD) for nearly 20 years. He was indicted December 4, 2007 on 14 criminal counts including mail fraud, making false statements, and conspiracy to commit fraud. As part of a plea agreement, the employee agreed to plead guilty to one count of mail fraud. The other counts will likely be dismissed at his upcoming sentencing hearing.

The extensive investigation leading up to the indictments supported that the employee had received \$112,533.01 in Federal workers' compensation disability benefits from the U.S. Department of Labor (DOL). Concurrently, the employee was performing various jobs for a personal welding company and not reporting his income. The employee had instructed his welding customers to say nothing about job tickets, state they had paid in cash, and claim their memories were vague. Additionally, the employee submitted an application for disability insurance to the Combined Insurance company and received \$64,301.75. On his application, the employee claimed to be working as a crane operator for RRAD even though he was on total disability and receiving monthly compensation checks from DOL.

Any suspected case of workers' compensation fraud should be reported to the DLA Accountability Office by calling (910) 451-0976 or via email at HqFecaFraud@dla.mil. Employees may remain anonymous, if desired. Alternatively, employees may contact DHRC-I toll-free at (866) 737-9724 or via email at ICC@dla.mil.



Case Law: No Sale; Injury Sustained During Shopping Trip While TDY is Not Compensable

New in town? Before you check out the sights, consider the case of *S.C. and Department of Justice, 109 LRP 42309, June 22, 2009.*

In this case, the employee sustained a lower back injury during a shopping trip while on temporary duty travel status (TDY).

The injury occurred after a dinner break from an official training session, when the employee visited a local Target department store. DOL denied her claim, and the employee appealed.

The employee asserted that because she was on official TDY status, she was cov-

ered for 24 hours a day in the event of injury. She alleged that the trip was not a personal errand, that she went with a group of co-workers and used the Government-supplied van for the shopping trip.



The Employees' Compensation Appeals Board reviewed the case and confirmed that DOL correctly denied the claim because the claimant was not injured in performance of duty. An employee on TDY status is covered 24 hours per day for injury that results from activities essential or incidental to official duties. The injury occurred while the employee was engaged in a personal shopping trip, which was a voluntary deviation from her work activities.

Injured Employees Have Restoration Rights After Injury

Under the Federal Employees' Compensation Act (FECA), an employee who recovers from a compensable injury has rights regarding restoration to duty. The exact nature of those rights is dependent on the time it takes the employee to recover and the extent of recovery.

—an employee who fully recovers **within** one-year from the start of eligibility for compensation, must be restored to his/her date of injury position or an equivalent one. (5 CFR 353.301(a))

—an employee who fully recovers **after** more than one-year is entitled to agency-wide priority consideration for his former position or equivalent, with preference in the former local commuting area. (5 CFR 353.301(b))



—when an employee partially recovers and is able to return to limited duty, agencies must make every effort to restore them to duty in the local commuting area. The employee must be treated substantially the same as other individuals with disabilities under the Rehabilitation Act. (5 CFR 353.301(d))

Agencies are required to make reasonable accommodation of an employee's disability wherever possible. When returning an injured employee to work, supervisors should work with the DHRC-I staff on developing an appropriate job or light duty offer letter, which will formally document the employee's return to work. Final suitability determinations are made by the Office of Workers' Compensation Programs.

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



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

DOD PIPELINE PROGRAM

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

Claimant Query System Available Now

Federal employees may now use the Claimant Query System (CQS) for 24-hour access to information regarding their workers' compensation claims. CQS is available through the Office of Workers' Compensation Programs' (OWCP) web bill processing portal at:

<http://owcp.dol.acs-inc.com>.

To access CQS, employees must have their 9-digit OWCP case file number, their date of injury, and their date of birth. Once inside

the portal, employees may obtain information regarding the status of their claim, the accepted condition(s), medical bill payment, wage-loss compensation benefit payments, reimbursement requests, and treatment authorization inquiries. A user guide is available at <http://www.dol.gov/esa/owcp/dfec/CQS061709.pdf>.

As always, the DHRC-I staff remain available to provide advice and assistance to injured employees and their supervisors throughout the entire claims process.



DOL May Now Recoup Overpayments from Estates of Deceased Workers

On June 15, 2009, Chapter 6-0200.4(e) of the FECA Procedural Manual was revised to allow the U.S. Department of Labor (DOL) to recover overpaid compensation from the estate of a deceased claimant. FECA Transmittal No. 09-04 states that an existing overpayment debt of \$700 or more may be recouped by:

—collection of the overpayment from any FECA death benefits due to the deceased claimant's spouse

—administratively offset certain Office of Personnel Management benefits payable at the time of the death.

—offset of the deceased employee's last federal tax refund.

"The Dog Days of Summer"

"Dog Days" is the name for the most sultry period of summer, from about July 3 to August 11. Named in early times by observers in countries bordering the Mediterranean, the period was reckoned as extending from 20 days before to 20 days after the alignment of Sirius (the dog star) and the sun.

<http://www.factmonster.com>

Case Law: Family Matters Determine Compensation Entitlement...or Lack Thereof

The concept of 'family' can be complicated when looked at from social, legal, or administrative definitions. Consider the case of *C.A. and U.S. Postal Service, 109 LRP 42104, June 17, 2009.*

In this case, the employee sustained a knee injury in 1986 that was accepted by the U.S. Department of Labor (DOL). For more than two decades following the injury, DOL paid wage-loss compensation for total disability at the augmented rate of 75% based on identified dependents that included a spouse and 3 children.

Beginning in 1996, the claimant retained legal custody of 2 grand-



children following the death of her daughter. The claimant's spouse died in March 2000. For several years afterwards, the employee continued to identify herself as married. She also included the grandchildren as her dependents as well as the 2 surviving children. In 2005, she legally adopted a great-grandchild who was born to her 15 year old granddaughter.

In April 2008, DOL made a preliminary determination that an overpayment of \$18,003.64 had occurred for a period of 5 years between her husband's death and the legal adoption of her great-grandchild. DOL found that the claimant had no eligible depend-

ents entitling her to augmented compensation. The employee appealed.

The Employees' Compensation Appeals Board (ECAB) reviewed the case and concluded that DOL correctly asserted that the employee did not have any eligible dependents for the time in question. Her children had grown past the age of eligibility, and grandchildren are not recognized as dependents for purposes of augmented compensation.

ECAB found that the employee was at fault for creating the overpayment because she should have known that she could not claim a deceased spouse as a dependent. As such, no waiver of the recovery was granted.

Got Fraud?

- Claim Inconsistencies
- Doctor-shopping
- Filing multiple claims

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

Defense Logistics Agency

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



DOL Institutes Changes to Physical Therapy Authorization Request Form

Effective July 19, 2009, the U.S. Department of Labor (DOL) instituted changes to the physical therapy authorization request form. All requests must either be faxed using the appropriate template or be submitted through the Affiliated Computer Services (ACS) Web Bill Processing Portal.

Changes to the form include space for including up to 10 individual procedural codes per request, along with blocks to more specifically iden-

tify the number of units of service and their correlating frequency and duration. The form is available at

<https://owcp.dol.acs-inc.com/portal/main.do>



Medical providers are reminded that they must send the prescription from the attending physician when requesting physical or occupational therapy, and that incomplete requests or those improperly coded will be returned. Completed request templates may still be faxed to ACS at (800) 215-4901. Providers should allow 3 business days for processing.

The DHRC-I Staff Have Been Asked...

Q: Does the Federal Employees' Compensation Act cover a pre-existing medical condition that is aggravated by factors of employment?

A: Yes. Diseases and illnesses aggravated, accelerated, or precipitated by the employment are covered.

Q: Who pays the costs of workers' compensation?



A: The costs are paid from the Employees' Compensation Fund, which is administered by the Office of Workers' Compensation Programs (OWCP). Each year, each employer reimburses the Fund for the amounts paid to its employees in workers' compensation benefits during the previous year. Like all Federal agencies, DLA receives an annual Chargeback Bill that details the workers' compensa-

tion costs for our injured employees. DLA's 2008 Chargeback Bill was \$23M, down from \$28M in 2002.



Q: Can I be reimbursed for my medical travel necessitated by my work injury?

A: Yes. Form OWCP-957, *Medical Travel Refund*, is used for this purpose. Mileage is paid at the standard rate for Government travel.

**DLA Human Resources Center
Injury Compensation (DHRC-I)**

Defense Logistics Agency, DHRC-I
8725 John J. Kingman Road, Suite 1232
Fort Belvoir, Virginia 22060-6221

Business Hours: 6:30 a.m. to 5:00 pm. (EST)

(703) 767- 7494/2958 Toll Free: (866) 737-9724

DSN 427- 7494/2958 FAX: (703) 767-7128

Email: ICC@dla.mil Website: www.hr.dla.mil



The DLA Human Resources Center, Injury Compensation Office (DHRC-I) 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 DHRC-I officially opened for business on November 4, 2002. Based at DLA Headquarters in Fort Belvoir, Virginia, the DHRC-I also has two satellite offices located at the Defense Distribution Depots in San Joaquin, California and Susquehanna, Pennsylvania. It is currently staffed by a team of eight (8) Specialists and five (5) Assistants operating under the supervision of the Director, DLA Injury Compensation Program. The DHRC-I staff offers over 130 years of expertise in the Federal Personnel and Workers' Compensation program areas.

How August Became August—What's in a name?

"Friends, Romans, Countrymen, lend me your ears..."

—named for Julius Caesar's grandnephew Augustus who defeated Marc Anthony and Cleopatra and became emperor of Rome

—the month originally had 30 days, but the Roman Senate determined that it should have 31 to make it equal to Caesar's month (July)

—the extra day needed for August was taken from February, which originally had 29 days (30 in leap year). To avoid having 3 months in a row with 31 days, the lengths of the last 4 months were switched around.

Source: <http://www.factmonster.com>

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 has filed a timely form CA-1, *Notice of Traumatic Injury*, for an injury which occurred 3 days ago. The employee indicates she is seeing her doctor today for the first time to obtain treatment for her work injury and she will miss 2 hours of duty. She has requested Continuation of Pay (COP) for her absence. You are aware that COP requires the use of codes "LU" and "LT" for recording employee absences in the Automated Time Attendance and Production System (ATAAPS) due to work-related injury. Assuming the employee provides you with administratively acceptable medical documentation for her doctor's appointment today, how would you handle her time and attendance reporting requirements for the COP?

- A. You input code LU on the date of injury, which occurred 3 days ago. Because the employee did not miss any time from work on this date, code LU is annotated as zero (0) hours. The hours she worked that day are also recorded. You use code LT to document the time loss associated with her doctor's appointment today.
- B. You input code LU today (3 days post injury date) because it is the first occurrence of time-loss from work due to the injury. You then use code LT to document any subsequent periods of time loss.



Bonus Question: How is code LU handled when the injured employee works the third shift?

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>