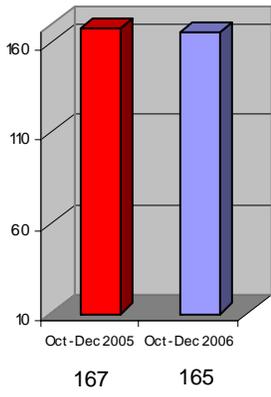


DHRC-I Insider

Volume 4 Issue 2

February 2007

New Injury Claims Received by the DHRC-I



◆ ◆ ◆ ◆ ◆
“The only place success comes before work is in the dictionary.”

—Vince Lombardi

◆ ◆ ◆ ◆ ◆

Inside this Issue...

“The Weather Outside is Frightful...”—OSHA Offers Tips to Protect Workers...	2
Federal Law Provides Penalties for Filing A False...	2
A Brief History Lesson on the Federal Employees’...	2
Health Club/Spa Membership May Be Authorized...	3
Standards Define DOL’s Claims Processing...	3
The DHRC-I Staff Have...	3
Putting the Knowledge to the Test: What Would...	4

The DHRC-I’s DDJC Satellite Office Expands

The DLA Human Resources Center, Injury Compensation Center (DHRC-I), welcomes new staff member Tena Imbrunetti to its satellite office located at the Defense Distribution Depot in San Joaquin, California (DDJC). Ms. Imbrunetti joins DHRC-I staff member Marlene Davis who was profiled in our last newsletter.

Ms. Imbrunetti has been with DDJC since 1988 and she has 19 years of total Federal service. Her previous assignments have included a variety of administrative support positions, and she has also worked as a Supply Clerk, Packer, and Data Transcriber. Her varied job experiences give her a broad perspective on the new injury claims she receives. Like Ms. Davis, Ms. Imbrunetti’s extended tenure with the DDJC organization has enhanced her ability to provide advice and assistance to injured employees and their supervisors. The additional support in the DDJC office provides an extension of the DHRC-I Headquarters office located at Fort Belvoir, Virginia. Both ladies come with a customer service-oriented attitude and we anticipate that their presence will make a positive impact upon the Agency’s workers’ compensation program and the DDJC workforce.



Marlene Davis and Tena Imbrunetti, seated, staff the DHRC-I’s satellite office located at DDJC

Since its official grand opening on July 24, 2006, the DHRC-I’s DDJC office, located in Building 231, has processed 48 new injury claims. Additionally, the office has welcomed 260 walk-in customers and it has extended 17 job offers to injured employees, providing them with valuable assistance in their return to gainful employment.

Eligible FECA Recipients to Receive Annual Compensation Increase Based on CPI Figures

The Bureau of Labor Statistics, Department of Labor, has released the December 2006 figures for the Consumer Price Index (CPI) figures that are used as a basis for annual cost-of-living increases given to eligible recipients of benefits under the Federal Employees’ Compensation Act (FECA).

Eligible recipients are those individuals who are receiving compensation on

account of disability or death which occurred prior to March 1, 2006. Effective March 1, 2007, these recipients will see an increase of 2.4 percent in their checks.



Given the Office of Workers’ Compensation Program schedule for periodic roll checks, the CPI increase will be fully effective for those checks which cover the period from March 18, 2007 to April 14, 2007.

“The Weather Outside is Frightful...” — OSHA Offers Tips to Protect Workers in Cold Environments

With the onset of cold weather, the Occupational Safety & Health Administration (OSHA) is once again reminding employers and workers to take precautions to prevent cold-related injuries and illnesses. OSHA's Cold Stress Card offers several tips to protect workers in cold environments. Among them:

- Select proper clothing for cold, wet, and windy conditions. Layer clothing to adjust to changing temperatures.
- Wear a hat and gloves.
- Take frequent short breaks in warm, dry shelters.
- Perform work during the warmest part of the day.

—Use the buddy system, work in pairs.

—Drink warm, sweet beverages such as sports-type drinks.

—Avoid drinks with caffeine such as coffee, tea, or hot chocolate.

—Eat warm, high-calorie foods such as hot pasta dishes.

Workers are at an increased risk for sustaining cold weather-related injuries when they have predisposing health conditions such as cardiovascular disease, diabetes, and hypertension. Workers who take medication should check with their doctors to find out whether any medicines

they are taking could affect them while working in cold conditions. Older workers, as well as those workers in poor physical condition, are particularly susceptible to injury and other adverse health conditions.



Employers and workers are advised to learn the signs and symptoms of cold-induced illnesses and injuries. Hypothermia: normal body temperature falls to 95 degrees or below, and frost bite: freezing in deep layers of skin and tissue, are two of the most common.

To obtain free copies of the Cold Stress Card, go to OSHA's website at www.osha.gov, or call: 1-800-321-OSHA.

Federal Law Provides Penalties for Filing a False Claim

A number of statutory provisions make it a crime to file a false or fraudulent claim or statement with the Government in connection with a claim under the Federal Employees' Compensation Act (FECA). Included among these provisions are sections 287, 1001, 1920, and 1922 of title 18, United States Code (USC).

Federal law, *18 USC 1920*, provides



in part, “Whoever knowingly and willfully...makes a false, fictitious, or fraudulent statement or representation...in connection with the application for or receipt of compensation or other benefit...shall be guilty of perjury, and on conviction thereof, shall be punished by a fine...or imprisonment for not more than five years, or both.” It further states, “if the amount of the benefits

falsely obtained does not exceed \$1,000, such person shall be punished by a fine...or imprisonment for not more than one year, or both.” Enforcement of these and other criminal provisions that may apply to claims under the FECA are within the jurisdiction of the Department of Justice.

In addition, administrative proceedings may be initiated under the Program Fraud Civil Remedies Act of 1986.

A Brief History Lesson on the Federal Employees' Compensation Act

In 1908, President Theodore Roosevelt signed legislation to provide workers' compensation for certain Federal employees in unusually hazardous jobs. The scope of the law was very restricted and its benefits were quite limited. However, it was the first workers' compensation law to pass the test of constitutionality applied by the United States (U.S.) Supreme Court.

The Federal Employees' Compensation Act (FECA), superseded the 1908 statute in 1916, and is the workers' compensation law for all civilian Federal employees. The FECA provides for wage loss compensation, medical care, and survivor's benefits. These benefits constitute the sole remedy against the U.S. for work-related injury or death.



The Division of Federal Employees' Compensation, which is part of the Office of Workers' Compensation Programs, administers the FECA. Program costs are paid from the Employees' Compensation Fund, which is reimbursed by individual Federal agencies on an annual basis.

Health Club/Spa Membership May Be Authorized to Treat the Effects of an Injury

Under the Federal Employees' Compensation Act, an injured employee who meets the statutory conditions of coverage is entitled to all services, appliances, and supplies prescribed by a qualified physician which are required to cure, give relief, or reduce the degree or period of disability. Authorization for all care is made at the opinion of the Office of Workers' Compensation Programs (OWCP).



In all cases where a health club/spa membership authorization is at issue, OWCP must determine that the membership is likely to be effective and cost-efficient. Consideration is given to the facts that the exercises performed at such facili-

ties are generally done without supervision, the term of membership may be incompatible with the duration of the prescribed program, and that membership dues often include charges for services not related to the prescribed treatment regimen. OWCP will not approve an elaborate service or appliance where a more basic one is suitable.

To support a request for a health club/spa membership, the employee's attending physician must provide a description, including the frequency and duration, of the specific therapy and exercise routine needed. Also needed is a description of the specific equipment and/or facilities needed to safely perform the pre-

scribed regimen, and a medical opinion as to the anticipated or actual effectiveness of its outcome. The physician should also address whether the exercises can be performed at home.

The claimant is responsible for providing the full name and address of both public (free) and commercial (membership required) locally established facilities suited to the prescribed regimen. Additionally, the claimant must provide a signed statement from the health club/spa manager indicating that the facility is fully suitable for the prescribed regimen. This statement must also include a breakdown of the fees and charges for membership options and terms.

Standards Define DOL's Claims Processing Time Frames

To many, the U.S. Department of Labor (DOL) seems to operate at a snail's pace when it comes to adjudicating claims and issuing compensation benefit payments. In actuality, DOL operates under standards that describe the time frames within which its district offices must act. Some examples:

- Adjudicate traumatic injury cases: 90 percent within 45 days, and 99 percent within 180 days.
- Adjudicate occupational illness

cases: 75 percent within 90 days, 95 percent within 180 days. In cases involving extended-development: 70 percent within 180 days, and 98 percent within 365 days.

- Process medical bills: 90 percent within 28 days, and 95 percent within 60 days.
- Process claims for payment via submission of form CA-7, *Claim for Compensation*: 82 percent within 14 days, and 95 percent within 60 days.

- Respond to written priority inquiries: 90 percent within 14 days, and 98 percent within 30 days.
- Make Reconsideration decisions: 80 percent within 90 days.
- Adjudicate administratively reopened cases: 80 percent within 45 days.
- Respond to telephone inquiries: DOL claims examiners have up to three business days to return calls.

The DHRC-I Staff Have Been Asked...

Q: I saw the article you ran in the previous newsletter about chiropractors. Please clarify the circumstances in which they may provide "competent medical evidence" to support a work-related injury claim.

A: Under the Federal Employees' Compensation Act, the services of chiropractors may be reimbursed only for treatment consisting of manual



manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist.

Q: My leave buy back claim was recently approved and I have repaid my portion of the cost. I was told that my Form W-2 will have to be amended. Why?

A: If a claimant repurchases sick or annual leave during the same tax year



in which the leave was used, the amount repaid is excluded from the claimant's taxable income for the year. This requires the employing agency to amend the claimant's Form W-2 for that year.

If repurchase is made for leave used in a prior tax year, the claimant should contact the Internal Revenue Service for specific guidance.

CONTACTING THE DHRC-I

Defense Logistics Agency, J-1
 Injury Compensation Center (DHRC-I)
 8725 John J. Kingman Road, STOP 6231
 Fort Belvoir, VA 22060-6221

DHRC-I Business Hours: 6:30am—5:00pm (EST)
 Toll-Free Phone: 1-866-737-9724
 Phone: (703) 767-7494 or (703) 767-2958
 DSN Prefix 427
 Fax: (703) 767-7128 or (703) 767-8348 DSN 427
 Email: ICC@dla.mil



The DLA Human Resources Center, Injury Compensation Center (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 seven (7) 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.

Looking to get healthy? Try taking Small Steps:

1. Use fat free milk over whole milk
2. Avoid food portions larger than your fist
3. Drink diet soda
4. Eat off smaller plates
5. Don’t eat late at night
6. Eat more celery sticks
7. Choose fruit for dessert
8. Eat before grocery shopping

Source: U.S. Department of Health & Human Services; www.smallstep.gov

• • • • •
“Be thankful for what you have; you’ll end up having more. If you concentrate on what you don’t have, you will never, ever have enough.”
 —Oprah Winfrey

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 that has just come to you to report an injury. According to the employee, the injury occurred five days ago. He didn’t say anything to you previously because he figured he would get better on his own. The employee states he hurt his back lifting a box. He called in to work sick for the last two days. He has provided you with a doctor’s statement to cover his absence that indicates the employee was seen for a ‘work injury’ and that the employee should remain on ‘light duty’ for one-week. There is nothing specific in the medical documentation that would corroborate the employee’s statement that he hurt his back. Despite this, you provide the employee with a CA-1, *Federal Employee’s Notice of Traumatic Injury and Claim for Compensation*. With regard to Continuation of Pay (COP), what would you do?

- A. You would not grant COP because the employee reported the injury to you late and there were no witnesses to the injury.
- B. You would grant COP on a provisional basis, but advise the employee that he will need to obtain additional medical documentation to support it.
- C. You would require the employee to use his own sick or annual leave until he obtained the additional medical documentation and then you would make a decision regarding the COP.



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>