# PUZZLE SOLUTION – February 2007 *DHRC-I Insider*

**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?

The best answer is:

**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.**

Employees are required to submit medical documentation within 10 workdays.

Here's why the other answers won't work:

**A. You would not grant COP because the employee reported the injury to you late and there were no witnesses to the injury.**

There are only 9 reasons where the Agency can refuse to pay COP to an injured employee, and these reasons are stated in the instructions for the form CA-1, *Federal Employee's Notice of Traumatic Injury and Claim for Compensation*. In this scenario, the employee said the injury occurred five days ago. This is not considered late – under the Federal Employees' Compensation Act (FECA), the injury must be reported on a CA-1 form within 30 days of the date the injury occurred to preserve an employee's entitlement to COP. The fact that the injury was not witnessed has no bearing on an employee's entitlement to COP or to the overall compensability of the injury claim.

**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.**

Once again, there are only 9 reasons where the Agency can refuse to pay COP to an injured employee. An injured worker may use annual or sick leave to cover all or part of an absence due to injury. This election of annual or sick leave is not irrevocable. If an employee who has elected leave later wishes to elect COP, the supervisor must make such a change on a prospective basis from the date of the employee's request. Where the employee wishes to have leave restored retroactively, the supervisor must honor the request, provided he or she receives prima facie medical evidence of injury-related disability for the period in question. "Prima facie" is a Latin expression for "at first view"; generally, it is evidence that is sufficient to raise a presumption of fact or to establish the fact in question unless rebutted.