

PUZZLE SOLUTION - January 2008 *DHRC-I Insider*

**Scenario:** You are a supervisor with an employee that has just come to you to report an injury. The employee states that he actually injured his knee three months ago. He did not report it to you previously because it was only a minor injury. By history, you are aware that the employee missed three days of work at approximately the same time frame as the injury date he is now claiming. At his request, the employee was carried on sick leave. The employee tells you that he hit his knee on the corner of his desk, and he is reporting the injury now because he has received a medical bill for the doctor's visit he had following his injury. His physician billed his health insurance carrier for the visit initially, but the carrier refused to pay because the treatment was for a work-related injury. The employee wants to get his bill problem resolved. What would you do?

The best answer is:

**B. Provide the employee with the form CA-1, but do not give him the CA-16. Advise the employee that he should pass the injury claim number to his physician once it is established by DOL. The physician may use the claim number to submit the bill to DOL for payment.**

The traumatic injury should be reported on the form CA-1. However, regulatory guidance (20 CFR Title 20, Part 10, Sec. 10.300 (b)) states that the employer is not required to issue a Form CA-16 more than one week after the occurrence of the claimed injury. Generally speaking, the issuance of a Form CA-16 is not required for medical bill payment. In the case of a traumatic injury, injured employees have up to three years from the date of injury to file a timely claim with the U.S. Department of Labor (DOL). The employee may file Form CA-1 and once the injury claim is established by DOL, then the medical provider may submit any bills for payment consideration.

**Bonus Question:** Is the employee entitled to Continuation of Pay (COP) for the three days of sick leave he was charged?

**No.** While an employee has up to three years from the date of a traumatic work-related injury to file form CA-1 and have the claim considered to be timely filed by DOL, there is a difference when it comes to entitlement to COP. To preserve an injured employee's entitlement to COP, he/she must complete the CA-1 form within 30 days of the date of injury. The Agency may controvert (or challenge) an employee's entitlement to COP for any reason; however, there are only nine (9) reasons in which the Agency may refuse to pay COP. These reasons are listed in the Form CA-1 instructions, and the failure to report an injury on the Form CA-1 within 30 days is one such reason.