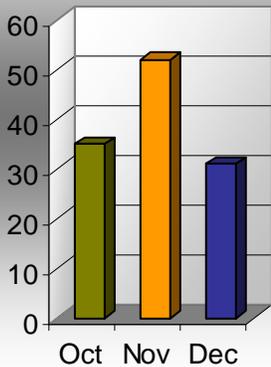


DHRC-I Insider

Volume 6 Issue 1

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New Injury Claims Received by DHRC-I 1st Quarter 2009



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“Most folks are as happy as they make up their minds to be.”

—Abraham Lincoln (1809-1865)

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The Year In Review 2008: DHRC-I Staff Identify Most Common Mechanisms of Injury

As the new year begins, it is commonplace for many to reflect back on the year that just ended. It's a time where numbers are crunched and data is manipulated to provide material for many popular “lists” or “countdowns.” In the spirit of the season, the DHRC-I staff is pleased to offer the following 2008 summary; which has been narrowed down to the “Top Three” in the interest of space constraints:



The Number One mechanism of injury, as reported by new injury claims, was **FALLS**. Unfortunately, DLA employees fell everywhere: Floors/work surface (46 claims); Stairway/steps (18 claims); Streets/curbs (39 claims); Unspecified falls (15 claims). Weather was a factor in some of the falls, as was the presence of debris and employee inattention.



The Number Two mechanism of injury, as reported by new injury claims, was **MATERIAL HANDLING**. DLA employees were injured in all aspects of this business: Physically moving boxes/equipment (28 claims); Utilizing material handling equipment (11 claims); and Being struck by moving/falling objects themselves (24 claims).



The Number Three mechanism of injury, as reported by new injury claims, coincidentally, was a three-way tie in a category unofficially dubbed as: **CLOSE ENCOUNTERS**. DLA employees unfortunately faired equally worse with both animate and inanimate objects: Animal/insect bites (10 claims); Flying particles/dust (10 claims); and Hand tool use (10 claims).

Although this comes across as a bit light-hearted, it is important to remember that these injuries resulted in real medical costs, lost wages, and lost production days to the Agency. The DHRC-I staff will continue to partner with the Agency's Safety offices to bring a renewed focus on future injury prevention and claim avoidance.

DHRC-I Cites Top 5 Most Common Errors Made During Completion of CA-1 Forms

For some injured employees or supervisors, completing a Form CA-1, *Federal Employees' Notice of Traumatic Injury and Claim for Compensation or Continuation of Pay*, can be a daunting task. Although the majority of forms received by DHRC-I are mostly complete, the staff has noted a few common errors. Here is a brief rundown of the top five in the numerical order they appear on the form:

1. **Block 10, Date injury occurred.** This block must include a date and time of injury. If the exact time is not known, then the employee should provide his/her best estimation.

2. **Block 11, Date of this notice.** This is the date in which the employee completes the CA-1 form.

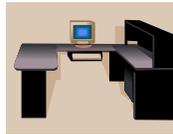
3. **Block 17, Agency name and address of reporting office.** This block should include the DHRC-I office information. The injured employee's organization information should be included in Block 18.

4. **Block 23, Date notice received.** This is the date in which the employee provides the completed CA-1 form to the supervisor.

5. **Block 39, Filing instructions.** DHRC-I needs to know whether the injury resulted in medical expense, lost time, or both.

Good Ergonomics Decreases an Employee's Risk of Injury

The term *ergonomics* is derived from two Greek words: *ergon*, meaning “work” and *nomoi*, meaning “natural laws.” Ergonomics as a science, is the field of study that seeks to fit the job to the person, rather than the person to the job. This is achieved by the evaluation and design of workplaces, environments, job tasks, equipment, and processes in relationship to human capabilities and interactions in the workplace. By designing the job around the person, employees will have a decreased risk of injury.



The Computer/Electronic Accommodations Program (CAP) has posted an Ergonomics Quick Reference Guide to its website: <http://www.tricare.mil/>

[cap/](#). Here are some of the Healthy Work Practices listed in the Guide:

—Adjust your chair, work surface, keyboard platform, and keyboard/mouse to maintain a neutral position.

—Sit in a comfortable upright position with your feet flat on the floor (or on a footrest)

—Alternate tasks throughout the work day

—Use minimal force when typing on your keyboard

—Change your posture frequently throughout the day

—Move often throughout the day to help circulation

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

Case Law: Non-Disclosure of Income Costs Employee \$100K

Honesty is usually the best policy, right? Consider the case of *F.H. and Department of the Air Force, 108 LRP 69690, 11/24/08*. In this case, the employee's failure to report self-employment income resulted in the forfeiture of over \$100K in workers' compensation benefits.

The U.S. Department of Labor (DOL) issues periodic correspondence to employees on the long-term compensation rolls requesting that they provide information on any earnings they may be receiving. In April 1997 and September 1998, the

employee signed official DOL *EN 1032* paperwork certifying that he did not have any earnings for the period of time covered by the forms.

A special agent for the employing agency uncovered information concerning the employee's employment as an insurance agent, citing earnings from 12 different insurance companies. On this basis, DOL determined that the employee must forfeit his compensation entitlement for the period in which he failed to declare the earnings, an action that resulted in a benefit overpayment of

\$100,741. The employee appealed claiming he suffered from dyslexia which impaired his memory and ability to process information.

The Employees' Compensation Appeals Board (ECAB) upheld DOL's decision, agreeing that the income should have been reported. ECAB noted in their review that the employee had included the earnings on his Federal income tax returns, and that the employee's psychologist had reported the employee could manage his legal and financial affairs appropriately—persuasive evidence that he knew he had income.

DHRC-I To Conduct Annual Review of Long-Term Compensation Cases

The DHRC-I Staff is beginning its annual review of all long-term compensation cases. These cases will be looked at for current medical documentation, return-to-work potential, and for further case management action such as second opinion examination referrals with the U.S. Department of Labor. Currently, the Agency has 640 employees in receipt

of periodic, or long-term, compensation benefits, with an associated annual cost of \$18M. These employees range in age from 35—94 years.

A major part of this review is the preparation of letters that will be sent to individual claimants. As the review progresses, the DHRC-I staff will work with their DHRC counterparts in Columbus and New Cumberland,



along with Agency supervisors to facilitate the placement of those employees identified as having workability. Historically, the annual case review has yielded several viable return-to-work prospects. Returning an injured employee to work has the potential to significantly reduce the Agency's annual compensation costs.

Case Law: When “The Weather Outside is Frightful...,” Employee Commutes Are Not So “Delightful”

Predicting inclement weather can be tricky, but trying to outguess it can be hazardous. Consider the case of *B.B. and Department of the Treasury, Internal Revenue Service, 108 LRP 67545, 11/4/08.*



In this case, the employee fell in the parking lot after slipping on a patch of black ice on her way into work. The employee fractured her left arm.

The employing agency challenged the employee’s claim on the basis that her injury occurred at 4:45am, which was 1 hour and 15 minutes prior to the scheduled start of her workday. The employee explained

that on the day of her injury she had listened to local news broadcasts of weather and road conditions; and on this basis, had left home early due to the predicted inclement weather.

The employee noted that her commute was before dawn, and that she had tried to be extremely cautious due to the hazardous road conditions. The claim was denied by the U.S. Department of Labor (DOL), which found that the employee was not in performance of duty when she fell at 4:45am. The employee appealed.

The Employees Compensation Appeals Board (ECAB) agreed with DOL.

Although it was established that the parking lot where the injury occurred was part of the employing agency’s premises, the injury did not occur in the performance of duty.

Under the Federal Employees’ Compensation Act, coverage may be extended to on-premise injuries that occur when an employee is going to or from work, but the timing of the injury must be within a reasonable interval before or after the work shift. Additionally, the employee must be engaged in preparatory or incidental acts related to his/her official duties. The employee’s situation did not meet either of these requirements; therefore, ECAB upheld the original claim denial by DOL.

Got Fraud?

- Claim Inconsistencies
- Doctor-shopping
- Filing multiple claims

Defense Logistics Agency

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

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

Compensation Recipients Will Not Receive COLA This Year

Another sign of troubling times: The Bureau of Labor Statistics has announced the change in the Consumer Price Index (CPI) for December of 2008. For the first time since 1986, there will not be a CPI under the Federal Employees’ Compensation Act (FECA) in 2009. This translates into no cost of living adjustment (COLA) for employees currently receiving long-term compensation benefits.



Typically, these employees receive COLAs on March 1st of each year. The CPI for December 2008 de-

creased by 0.964 from the December 2007 CPI. The primary reason for this decrease was due to the 18.1 percent decrease in the CPI index for transportation costs which was driven by decreased oil prices and vehicle costs.

In other news, FECA beneficiaries who are covered by a Federal Employees’ Health Benefit Plan (FEHB) will likely see a decrease in their monthly benefit payments due to an increase in premium costs with no COLA to offset them. The 2009 FEHB costs will become effective with FECA payments on February 14, 2009.

The DHRC-I Staff Have Been Asked...

Q: My doctor has been submitting his bills to the U.S. Department of Labor (DOL), yet the payments he receives are always less than the amount billed. Why?

A: DOL pays all medical bills based on a fee schedule of allowable charges. By law, medical providers cannot try to collect any residual amount from the injured worker. If a



medical provider is dissatisfied with the amount of the bill payment, there is an appeal process he/she can follow with DOL.

Q: I was told that my case is in “Short Form Closure (SFC)” status, what does this mean?

A: SFC status is an administrative status that DOL utilizes for the majority of new traumatic injury claims



they receive. The SFC status allows for a claim number to be assigned quickly and for limited medical bills to be paid. It is utilized by DOL because it is not possible for them to individually adjudicate each and every claim received and be able to issue timely and accurate decisions. SFC cases should not be confused as DOL-accepted cases, because the formal merits of the claim have not been established.

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

Defense Logistics Agency, DHRC-I
8725 John J. Kingman Road, Stop 6231
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.

Ever Think About the Weather on January 20th?

The National Weather Service has compiled some historical information regarding Presidential Inaugural Weather. Some notables:

- Coldest inaugural: 7 degrees (Reagan, January 1985)
- Warmest inaugural: 55 degrees (Reagan, January 1981)
- Most snow: 9.8 inches (Taft, 1909)
- Record rainfall: 1.77 inches (F. Roosevelt, 1937)
- There is about a 1 in 6 chance of precipitation during the ceremony
- There is only a 1 in 20 chance of snow during the ceremony

National Weather Service, <http://www.erh.noaa.gov>

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 in an approved telework status who has been authorized to work from his residence. You receive word from the employee that he injured himself when he slipped on his kitchen rug while preparing a cup of coffee. By history, you are aware that this employee regularly drinks coffee during his working hours. Under the DLA *Telework Agreement*, the employee's home office has been designated as his specific duty location. The employee wants to know if his injury will be covered by workers' compensation. What do you tell him?

- A. His injury would likely be covered because employees injured while teleworking are afforded the same coverage under the Federal Employees' Compensation Act for injuries that occur during performance of duties as those employees who are injured at their official duty stations.
- B. He has the right to file a claim. His injury may not be covered because it occurred under the auspices of the Personal Comfort Doctrine, which is a legal concept that refers to activities related to fulfilling basic human needs and wants. In accordance with DLA's *Telework Policy*, "an employee who works at a desk at home removes himself/herself from the performance of regular duties as soon as he/she walks away from the desk to use the bathroom, get a cup of coffee, or seek fresh air."



Bonus Question: What if the same type of injury had occurred at the employee's official duty station?

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>