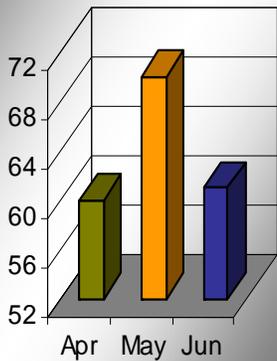


DHRC-I Insider

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New Injury Claims Received by DHRC-I 2nd Quarter 2008



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“Enjoy the little things in life, for one day you will look back and realize that they were the big things.”

Unknown

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Inside this Issue...

Case Law: Mother Nature Wreaks Havoc on Employee's Commute, But...	2
Injured Employees Have Multiple Options for Obtaining Medical...	2
New Supervisor Training Package Available...	2
Case Law: Feathered Friends Cause Frenzy...	3
Do You Know the Difference Between...	3
The DHRC-I Staff Have Been Asked...	3
Putting the Knowledge to the Test: What Would...	4

ATAAPS Coding Errors for Work-Related Injuries Prove Costly for Employees and the Agency

The DHRC-I staff regularly monitor the time and attendance records of all injured employees to ensure that absences related to on-the-job injuries are properly coded. Getting it right is important for both the injured employee and the Agency.

A review of data from January 2008 to June 2008 yielded a finding of 386 hours throughout the Agency that were inappropriately charged to Continuation of Pay (COP). These errors had an adverse impact to the Agency's direct salary costs. They also generated subsequent administrative costs necessary to file appropriate time and attendance corrections. Here are the most common errors noted:

—COP uses two codes: LU and LT. Frequently, code LU is erroneously input after the date of injury. Additionally, the 4-digit injury number is input inconsistently with the initial LU entry and the subsequent LT entries. Code LU should only be input on the date of injury, and the 4-digit injury code must accurately reflect the month and day of original injury for each LU and LT entry.

—COP being granted for dates which are not supported by medical documentation. In certain circumstances, COP may be granted provisionally pending the receipt of medical documentation. However, it must be recouped if no medical is provided.

—COP is granted for the full work day when actual time-loss is less. Only the actual number of hours of time loss should be coded under LU and LT. As a general rule, employees may not receive a full day of COP for attendance at routine medical visits.

—COP continues to be charged via code LT after the injured employee's entitlement has expired. COP is a limited entitlement of 45 calendar days, which can be used continuously or intermittently. The LU code input on the date of injury acts as a placeholder in the system for determining the employee's specific entitlement period.

New Provider Search Capability Assists Injured Workers in Locating a Treating Physician

The Affiliated Computer Services (ACS) Web Bill Processing Portal has a new feature to assist injured workers in locating a medical provider in their area. This feature is searchable by specialty and zip code. ACS is the contractor used by the U.S. Department of Labor (DOL) to handle the medical authorizations and bill paying functions.

The provider search link is located on the ACS webpage at <http://owcp.dol.acs-inc.com/portal/main.do>. After reading through and accepting a user's agreement, injured workers can use the

search mechanism by plugging in desired terms or characteristics.

All users should note that this is a customer service feature and the database consists of those medical providers who have enrolled with ACS to provide services under the Federal workers' compensation program.

The appearance of a provider's name in the database does not imply any endorsement by ACS or DOL. A provider's enrollment does not obligate them to provide treatment to an injured worker, nor does it guarantee that DOL will reimburse him/her for services provided.

Case Law: Mother Nature Wreaks Havoc on Employee's Commute But Does Not Cause Compensable Injury

Weather-watching employees beware, a treacherous commute doesn't give traction to a workers' compensation claim. Consider the case of *R.C. vs U.S. Postal Service, 108 LRP 23345, 4/7/08*.

In this case, the employee claimed that while he was driving home from work during Hurricane Katrina, he fractured his right femur in a motor vehicle accident on a public road. The employing agency controverted the claim on the basis that the employee wasn't in performance of duty at the time of the accident.

As a general rule, the Employees' Compensation Appeals Board (ECAB) has held that off-premises injuries sustained by employees having fixed hours and places of work, while going to or

coming from work, are not compensable as they do not arise out of and in the course of employment.

ECAB has ruled that such injuries are merely the ordinary hazards of the journey itself, which are shared by all travelers.

On the date of injury in this case, a hurricane warning had been in effect since 8:00am. The employee's tour of duty was 4:00pm—12:30am. The agency instructed all employees to use leave if they left before 6:00pm. The employee chose to stay until 6:00pm to avoid having to use leave. The accident occurred at 6:20pm. The agency granted the employee administrative leave after the accident—not because of the injury,

but because of the inclement weather. The U.S. Department of Labor agreed with the agency's controversion and denied the claim because the accident did not occur in the performance of duty.



ECAB upheld the denial, finding that the employee had not

proven an exception of the "coming and going rule". Furthermore, they rejected the employee's assertion that the injury should be covered because it occurred while he was on paid administrative leave. The granting of such leave in this case was not equivalent to being in pay status and was not intended to reimburse commuting expenses.

Injured Employees Have Multiple Options for Obtaining Medical Treatment Authorization Information

Injured workers and their physicians can check on the status of medical authorization requests via the internet by going to: <http://owcp.dol.acs-inc.com>. This information is available 24 hours/day, 7 days/week without calling for an authorization number or waiting for the receipt of a letter in the mail. When accessing this site, the injured worker's date of birth, date of injury, and workers' compen-

sation claim number are required.

For individuals without internet access, claimant eligibility, bill status, and medical authorization inquiry information is also available via the Interactive Voice Response (IVR) system. To access the IVR, injured employees or their physicians may call (866) 335-8319, which is available 24 hours a day. To speak directly with a customer

service representative, callers should use an alternate number: (850) 558-1818, which will be a toll call. All callers should have the injured employee's 9-digit claim number, the specific medical procedural code(s), and service dates available.

The DHRC-I staff are also available to provide the current status of medical authorizations. They cannot however, specifically grant any authorization.

New Supervisor Training Package Available on DHRC-I Website

As part of our continuing efforts to provide information and resources to the DLA workforce on the workers' compensation program, a new supervisor training package is now available on the DHRC-I website. All supervisors are encouraged to check out this information at <http://www.hr.dla.mil/resources/benefits/injurycomp.html>

Within this website, there are several links to various workers' compensation claims topics. Each link has a brief

introductory overview, as well as the specific forms required. There are also sample completed forms to reference.

Of particular note to both supervisors and injured employees are the links on medical treatment authorizations and bills. Injured employees should ensure that their treating physicians understand both of these processes. DHRC-I staff are available to provide any needed assistance.



In addition to links on basic claims processing information, there is also administrative guidance provided such as how to properly code employee absences in the Agency's official time and attendance system.

Any questions regarding the content of this training should be addressed to a DHRC-I staff member by calling (866) 737-9724.

Case Law: Feathered Friends Cause Frenzy for Mail Carrier

"I got it on Ebay." Now that you got it, ever wonder about what can happen to your purchase (or mail-handlers) during transit? Consider the case of *B.C. and U.S. Postal Service, 108 LRP 28509, 4/25/08*.

In this case, a rural mail carrier claimed that she experienced trouble breathing, swelling of her throat, a constant cough, and an itchy body after being exposed to hatching eggs in the boiler room of the post office where she worked. According to the evidence submitted in support of the claim, live chickens and ducks came in the mail the day the carrier's symptoms began.

Medical documentation submitted with the claim supported the em-

ployee's symptoms, and indicated that all reactions subsided after one day. However, no diagnosed medical condition was described. As a result of this omission, the U.S. Department of Labor (DOL) denied the claim.



Dissatisfied with DOL's decision, the employee appealed. Further proceedings focused on whether the employee's requests for an oral hearing were timely.

Appeal options afforded by DOL include reconsideration, oral hearing, or a review of the written record. Employees have up to one year from the denial date to request reconsideration. They have 30 days from the denial date in which to request either the

oral hearing or a review of the written record. The employee requested an oral hearing on two separate occasions following DOL's denial of her claim, once within 30 days, and once after 30 days. She submitted additional medical evidence. DOL dismissed her appeal requests as untimely.

Upon review by the Employees' Compensation Appeals Board, it was determined that the employee did properly submit a timely request for appeal. The case was remanded to DOL for a hearing to be granted and a merit decision issued on the employee's claim.

So how will the story end? Apparently, there's another egg yet to be hatched...

Do You Know the Difference Between Continuation of Pay and Wage-Loss Compensation?

To an injured employee who is disabled for work it might not make a difference where the money comes from, but it is helpful to understand the differences between the potential sources. Let's take a brief look at them:

—**Continuation of pay (COP)** is granted in connection with certain traumatic injury claims. COP is not considered compensation; rather, it is an administrative leave status paid by the Agency. While on COP, an employee receives his/her full

salary, minus taxes and usual deductions, without charge to his/her sick or annual leave. To be eligible for COP, a form CA-1, *Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation* must be completed within 30 days of the injury, and medical documentation must be provided to support all work absences. COP is a limited entitlement of 45 calendar days which may be used continuously or intermittently depending on the nature or severity of the injury.

—**Wage-loss compensation** is paid to the injured employee by the U.S. Department of Labor (DOL). It is paid as a percentage of the injured employee's salary and this money is tax-free. Medical documentation must be provided to support all absences. Forms CA-7, *Claim for Compensation*, and CA-7a, *Time Analysis Form*, are filed with DOL to request compensation. While in receipt of compensation from DOL, injured employees are carried in a leave without pay status (code KD) in the Agency's payroll system.

The DHRC-I Staff Have Been Asked...

Q: I was injured recently while on temporary duty travel (TDY). I sought medical treatment in a local emergency room. How do I handle the medical bill?



A: Employees injured while TDY should follow the same claims process used by employees injured at their official duty station. A form CA-1, *Notice of Traumatic Injury and Claim*

for Continuation of Pay/Compensation should be completed and medical documentation should be provided to support the claim. A copy of the employee's official travel orders should be provided to support all TDY injuries

Q: I was hurt six months ago and I filed an injury claim with the U.S. Department of Labor (DOL).



Why is my doctor still sending me notices that my bills have not been paid?

A: Your doctor is most likely billing you because he/she does not have your injury claim number or DOL's mailing address. You are responsible for providing this information to your doctor after your injury claim is established with DOL.

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

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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.

Almost Everybody Needs to Eat More Fruits and Vegetables

We all know Mom was right. Most fruits and vegetables are naturally low in calories and provide essential nutrient and dietary fiber. Ever wonder how your current food choices measure up? Just for fun, try the interactive tool "Analyze My Plate" located at <http://www.fruitsandveggiesmatter.gov/activities/index.html>. For ideas on how to incorporate more fruits and vegetables into your daily meals check out the tips and recipes offered throughout the website. Mom will be proud of you.

Centers for Disease Control and Prevention,
<http://www.fruitsandveggiesmatter.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 who sustained a work-related back injury nine months ago. The employee initially missed 45 days of work. After that, the employee returned to work and has remained on light duty ever since. The employee is a good worker and you and he have a long history together. The problem is that his work limitations have gotten progressively more restrictive in the last couple of weeks. Plus, the employee now says his doctor wants to do surgery, which is something he has put off since the injury. It is becoming increasingly difficult to accommodate him and now with surgery looming, there is no clear end in sight regarding his continued light duty requirement. You consider your options, and determine the best course of action to be:

- A. Continue to provide reasonable accommodation for the employee's work restrictions because there is the inherent expectation that the surgery will improve or resolve his condition. You also realize that if the Agency is unable to accommodate restrictions due to a work injury, that the employee will likely be eligible for wage-loss compensation benefits from the U.S. Department of Labor (DOL), which could result in a sizeable cost liability for the Agency.
- B. You regretfully notify the employee that you are unable to continue to accommodate his restrictions and therefore you will be proposing his separation from the Agency's rolls.



Bonus Question: If the employee is approved for disability retirement, how will it affect his injury claim with DOL?

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>