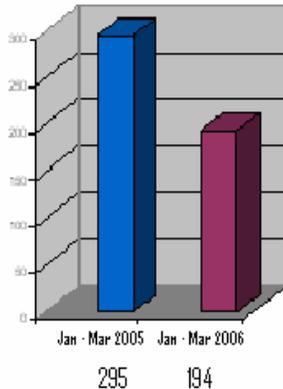


# ICC Insider

Volume 3 Issue 3

May 2006

## New Injury Claims Received by the ICC



◆ ◆ ◆ ◆ ◆  
*“Even if you’re on the right track, you’ll get run over if you just sit there.”*

—Will Rogers (1879-1935)

◆ ◆ ◆ ◆ ◆

## Inside this Issue...

Continuation of Pay — When Can the Employer...	2
Parking Lot Injuries — When Do They...	2
Overseas Injury Claims Receive Special Handling by DOL	2
Acceleration, Precipitation, Consequential, and...	3
How Does DOL Determine Pay Rate for...	3
The ICC Staff Have Been Asked...	3
Workers' Compensation Vocabulary Skill Builder...	4

## ICC Welcomes New Specialist and Assistant

The DLA Injury Compensation Center (ICC) recently welcomed its two newest members: Ms. Lynetta Parrish and Ms. Deborah Beard. Both ladies bring a wealth of program knowledge and enthusiasm to the ICC office.

Ms. Parrish comes to DLA from the Internal Revenue Service (IRS) Workers' Compensation Center in Richmond, Virginia. While with the IRS, Ms. Parrish worked as a Personnel Classification Assistant and Human Resources Assistant prior to becoming a Human Resources Specialist. In all, she has nearly 12 years of workers' compensation experience.



**New ICC Staff members Ms. Lynetta Parrish (left) and Ms. Deborah Beard**

Ms. Beard comes to DLA from the Department of the Army, U.S. Army Human Resources Command in Alexandria, Virginia, where she provided clerical and technical support. Although new to the workers' compensation field, Ms. Beard has proven to be a quick study and she has capably assumed her new duties. In all, she has nearly 16 years of Federal service.

ICC Branch Chief, Ms. Donna Estep is happy to have them aboard and says, "I am so excited to have both of these ladies on my staff. They make a great group of people even better." Adds Ms. Estep, "The ICC, through its partnership with human resources, safety professionals, and organizational management officials, has done amazing things for the Agency over the last several years, and I predict that there are even more incredible things to come. My staff and I remain committed towards workers' compensation cost reduction for the Agency. Our two newest members have just increased the odds tremendously in our favor."

## Pay Retention for Workers' Compensation Recipients Returning to Work

Everyone knows the importance of returning injured employees to work. The actual task of doing so can prove challenging especially in the area of pay setting.

Per *DoD 1400.25-M, Subchapter 810.9.5.3.2*: Sometimes it is not possible to offer an employee a job at his/her current grade level or the last grade level held before being separated from the Agency's rolls. If the individual is re-employed at a lower grade or pay

level than previously held, the Office of Workers' Compensation Programs (OWCP) will make up the difference.

This is accomplished by OWCP determining and paying loss of wage-earning capacity (LWEC) benefits. The cost of LWEC benefits is charged back to the Agency.

It is not appropriate to retain pay for employees who accept lower graded positions as doing so tends to disguise the actual cost of work injuries.

## Continuation of Pay—When Can the Employer Refuse to Pay It?

Continuation of Pay (COP) is a benefit provided to certain employees who sustain traumatic injuries in the workplace. COP is paid by the Agency, and it is not considered compensation.

While the Agency is permitted to controvert, or dispute COP on any basis, it may refuse to pay COP only if the controversion is based upon one of nine specific reasons. In all other cases, the Agency must pay COP pending a final decision by the U.S. Department of Labor.

As found in the instructions for the CA-1, *Federal Employee’s Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, form, the nine reasons where an

agency can refuse to pay COP are as follows:

- ♦ The disability was not caused by a traumatic injury.
- ♦ The employee is a volunteer working without pay or for nominal pay, or a member of the office staff of a former President.
- ♦ The employee is not a citizen or a resident of the United States or Canada.
- ♦ The injury occurred off the employing agency’s premises and the employee was not involved in official “off premise” duties.
- ♦ The injury was proximately caused by the employee’s willful misconduct, intent to bring about injury or death to self or another person, or intoxication.
- ♦ The injury was not reported on Form CA-1 within 30 days following the injury.
- ♦ Work stoppage first occurred 45 days or more following the injury.
- ♦ The employee initially reported the injury after his or her employment was terminated.
- ♦ The employee is enrolled in the Civil Air Patrol, Peace Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

## Parking Lot Injuries—When Do They Come Under FECA Coverage?

**Question:** Does the use of a parking lot extend coverage under the Federal Employees’ Compensation Act (FECA) for employees injured there?

**Answer:** Sometimes.



For employees with fixed hours and places of work, injuries occurring on the premises of the employing agency while the employee is going

to or from work are compensable. In workers’ compensation however, the term ‘premises’ is not synonymous with ‘property’ or ‘ownership.’

Under FECA, the industrial premises include the parking facilities if they are owned, controlled, or managed by the employer. An employee is considered to be in the performance of duty when injured

while on such parking facilities unless engaged in an activity sufficient for removal from the scope of employment.

Input from the official supervisor helps to define whether the parking lot is part of the agency’s premises in specific cases. Once established, normally, FECA coverage is extended to such injuries without further question unless the interval between the injury and work hours seems excessive.

## Overseas Injury Claims Receive Special Handling by DOL

All overseas injury claims are initially adjudicated in the U.S. Department of Labor’s (DOL) Cleveland office.

Foreign nationals and U.S. citizens receiving medical services in a foreign country are entitled to full medical benefits, including a choice of qualified physicians. Injured workers are responsible for providing medical



documentation to support all claims. Doing so facilitates prompt bill payment.

Medical treatment provided by any military facility to injured Department of Defense civilians is not charged to DOL or to the employee. Translations of medical reports or bills are not mandatory; however, it is very helpful in speeding up the adjudication of the claim and the pay-

ment of medical bills. DOL does not pay for medical translations.

Particular forms are not necessary for payment of foreign bills. They also do not require a provider tax identification number or procedure codes. All medical bills will be paid by DOL in the monetary denomination in which they are received.

# Acceleration, Precipitation, Consequential, and Intervening...Oh My!

The Federal Employees' Compensation Act (FECA) provides benefits for medical conditions caused by an employee's work factors. It also provides benefits for medical conditions that manifest themselves for reasons other than direct causation. In determining coverage, it is helpful to understand the following definitions:



**Acceleration**—occurs when an employment-related injury or illness hastens the development of an underlying condition. An acceleration is said to occur when the ordinary course of the disease does not account for the speed in which a condition develops. For example, an employee's diabetes may be

accelerated by an erratic work schedule that does not permit regular food intake.

**Precipitation**—refers to a latent condition which would not have become evident but for the employment. For instance, tuberculosis may be latent for a number of years, but then manifest itself due to renewed exposure in the workplace.

**Consequential**—this kind of injury occurs because of weakness or impairment caused by a work-related injury. For example, a claimant with an injured eye may compensate by overuse of the other eye causing injury.

**Intervening**—refers to an injury occurring outside the performance of

duty to the same part of the body originally injured.

The amount and duration of FECA benefits coverage is injury-specific. An acceleration of a condition carries the same coverage as that of an injury with direct work causation, and there is no limitation on the condition's duration or severity. Precipitation is sometimes considered to be a temporary aggravation of a pre-existing condition, and benefits can be payable with or without a specified duration. In consequential and intervening injuries, medical evidence discussing the relationship between the original work-related injury and the second, or subsequent, injury and then benefits are payable on a case-by-case basis.

## How Does DOL Determine Pay Rate For Compensation Purposes?

Compensation in disability cases is computed using the pay rates in effect on three key dates: the date of injury, the date disability began; or the date disability recurred.



In every case, the assigned DOL Claims Examiner must decide which date to use in establishing the pay rate. To do this, he/she must determine whether the

employee was absent from work due to injury-related disability on, or immediately after (defined as the next day), the date of injury. If so, then the date of injury salary will be used.

If the employee did not stop work on the date of injury, or immediately afterwards, then the claims examiner must use the greater of either the salary on the date of

injury, or the date disability began.

In order for an employee to receive the date of recurrence pay rate, the recurrence must begin more than 6 months after the employee had resumed regular full-time employment with the Government. A recurrence is defined as a spontaneous return or increase of disability due to a previous injury or occupational disease without intervening cause.

## The ICC Staff Have Been Asked...

**Q: How do I code time & attendance for my employee who is receiving wage-loss compensation benefits from DOL?**



**A:** Employees should be carried in a leave without pay status (LWOP), specifically code "KD," while they are in receipt of compensation benefits from DOL. Additionally, the *Guide to Processing Personnel*

*Actions*, states that a personnel action should be processed for LWOP of 80 hours or more granted because of an on-the-job injury.

**Q: Why did DOL not pay the full amount of my medical bill?**

**A:** DOL uses a schedule of maximum allowable medical charges. The injured employee does not have to pay the difference between the maximum

charge set by the schedule and the charge made by the provider.



**Q: Is there a maximum limit on the period for which an employee can receive wage-loss compensation benefits?**

**A:** No. An employee may receive compensation as long as medical evidence supports existing disability related to the accepted injury.

**CONTACTING THE ICC**

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

ICC Business Hours: 6:00am—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  
 Website: <http://www.hr.dla.mil>



The DLA Injury Compensation Center (ICC) was established to provide comprehensive claims processing assistance to the entire Agency and its serviced customers. Concurrent with its operational responsibilities, the ICC is also focusing on cost reduction by performing extensive chargeback review and case management. All Agency workers' compensation case files are maintained by the ICC, located at DLA Headquarters in Fort Belvoir, VA.

The ICC officially opened for business on November 4, 2002 and is currently staffed by a team of six (6) Specialists and three (3) Assistants under the direction of the DLA Injury Compensation Program Manager.

**Watching too much TV? Try these steps to quit being a couch potato:**

1. Plan what you are going to watch.
2. Do something active instead.
3. Don't eat in front of the TV.
4. Work it while you watch...exercise!

Source: *TopHealth*, The Health Promotion and Wellness Newsletter, February 2006, Oakstone Wellness Publishing LLC.



*“The clearer your goal, the better your chance to succeed.” — Anonymous*

**Workers' Compensation Vocabulary Skill Builder Helps Employees 'Learn the Lingo'**

Knowledge is power, so the saying goes. If you're feeling game, give this vocabulary skill builder a try. Using the workers' compensation vocabulary list on the right, determine the best answer to fill in the blank in each sentence below. The solution is available on our web site: <http://www.hr.dla.mil/hr/bnfts/owcp/owcp.htm>



1. \_\_\_\_\_ result from any personal, non-occupational pathology that causes an employee to collapse and suffer injury upon striking the immediate supporting surface with no intervention or contribution by any employment factor.
2. \_\_\_\_\_ is services provided to assist disabled employees in returning to gainful employment consistent with their physical/emotional/educational abilities.
3. In cases of prolonged disability, injured employees are placed on the \_\_\_\_\_, and receive a compensation payment every four weeks.
4. Any anatomic or functional abnormality or loss is called an \_\_\_\_\_.
5. A \_\_\_\_\_ is defined as a spontaneous change in a medical condition resulting from a previous injury/illness without any intervening incident or new exposure to the work environment that caused the illness.

- Recurrence**
- Periodic Rolls**
- Impairment**
- Idiopathic Falls**
- Vocational Rehab**