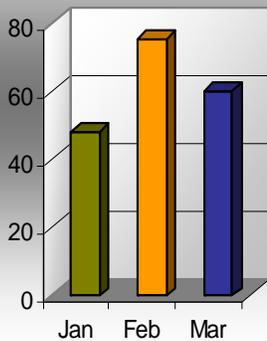


DHRC-I Insider

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New Injury Claims Received by DHRC-I 2nd Quarter 2009



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“Accept the challenges so that you can feel the exhilaration of victory.”

—George S. Patton (1885-1945)

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Medical Forgery Results in Misdemeanor Conviction, Fine, and Significant Compensation Cost Avoidance

Fraud—the ugly side of the benefits business. Think it only happens in other agencies? Think again. Recently, a Defense Logistics Agency (DLA) employee was convicted in Federal court of a misdemeanor in connection with forged medical documentation.

In June 2007, an employee at DLA's Headquarters Complex reported an injury to her arm after it was struck by a falling box. A traumatic injury claim was filed, and it was accepted by the U.S. Department of Labor (DOL). The employee missed 2 weeks of work although the physician's note she provided permitted only 1 week of absence. When asked to provide additional medical documentation, the employee provided a note that was later determined to be fraudulent.



The forgery was initially detected by an observant DHRC-I staff member, and it was reported to Special Agent Patrick Gookin of the DLA Accountability Office (AO). Gookin coordinated an investigation with the DOD Office of the Inspector General and obtained a statement from the employee's physician that the second note was forged. The employee later confessed to the forgery and has since retired from DLA.

Upon conviction, she was fined \$125, and the additional week of leave she tried to obtain from the Government was charged against her leave account. Because the employee was convicted of fraud, her claim was permanently denied by DOL. More importantly, DLA was able to avoid paying long-term benefits on this claim, which could have exceeded \$971,000 over the employee's natural life expectancy.

Any suspected case of workers' compensation fraud should be reported to AO by calling (910) 451-0976 or via email at HqFecaFraud@dla.mil. Employees may remain anonymous, if desired. Alternatively, employees may contact DHRC-I toll-free at (866) 737-9724 or via email at ICC@dla.mil.

DHRC-I Staff Reach Out and Touch Long-Term Compensation Recipients

On March 18, 2009, the DHRC-I staff issued letters to 598 employees on the Agency's long-term compensation rolls.

The purpose? To obtain current medical documentation and identify potential return-to-work prospects. Currently, DLA pays more than \$5M in annual compensation to its long-term recipients. Returning injured employees to gainful employment would significantly decrease this cost.

To assist in the job placement of those employees identified as being capable of returning to work, the DHRC-I staff is planning to utilize the Pipeline Program,

a Department of Defense initiative that provides funding for salaries and benefits and overhire authority for the first year of reemployment. The DHRC-I staff will work with its DLA Human Resources counterparts in Columbus and New Cumberland to identify potential job vacancies and placement opportunities; however, direct support from individual supervisors and managers will be extremely important.

All Agency supervisors and managers are encouraged to review the labor requirements of their organizations. If you have a job that needs to be done, the DHRC-I staff want to hear from you!



FECA Coverage Extended to Union Officials Injured While Performing Representational Functions on Official Time

Injuries to employees performing representational functions entitling them to official time are covered under the Federal Employees' Compensation Act, as are injuries to union employees working on union grievances. Injuries to employees engaged in the internal business of a labor organization, such as soliciting new members or collecting dues, however, are NOT covered.



When an employee claims to have been injured while performing representational functions, an inquiry should be made to the official supervisor. The supervisor will be asked to advise whether the employee was entitled to official time when injured. Generally, official time granted to union represen-

tatives is authorized for an employee acting as an exclusive representative in the negotiation of a collective bargaining agreement, including attendance at impasse proceedings.

In addition, certain executive orders and government-wide regulations require the use of official time for such functions in connection with health and safety matter, agency administrative grievance procedures, prevailing wage-rate appeals, and Equal Employment Opportunity complaints. Agency regulations and practice, and collective bargaining agreements may also provide official time for other representational functions.

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

DOL Begins Using the Sixth Edition of AMA Guides

Effective May 1, 2009, all U.S. Department of Labor (DOL) claims examiners began using the Sixth Edition of the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment to make schedule award decisions. Schedule awards are compensation payable to an injured employee who has sustained a permanent impairment to a specific part or function of the body due to work-related injury.

The AMA Guides are revised periodically to incorporate current

scientific clinical knowledge and judgment. The Sixth Edition substantially revises the evaluation methods used in previous Editions, a change that was made to promote precision and to standardize the rating process.

All schedule award decisions issued by DOL on/after May 1, 2009, will be based on the Sixth Edition. Any recalculations of previous awards which result from hearings or reconsideration decisions issued on or after May 1, 2009 will be based on the Sixth Edition, with one excep-

tion: if the percentage of the award is affirmed, but the case is remanded for further development of some other issue, such as pay rate, then recalculation is not required.

Schedule award decisions made prior to May 1, 2009, will not be recalculated merely because a new Edition of the Guides is in use. A claimant who has received a schedule award calculated under a prior Edition and who claims an increased impairment will receive a calculation according to the Sixth Edition for any decision issued after May 1, 2009.

DHRC-I Website Offers One-Stop Shopping for Workers' Compensation Program Information

All DLA employees and supervisors are encouraged to visit the DHRC-I website at: <http://www.hr.dla.mil/resources/benefits/injurycomp.htm>. Whether you need a form, a question answered, or are just seeking to learn more about the workers' compensation program, this is the place to go.

In addition to forms, there is information posted for supervisors and timekeepers regarding recording employee absences due to work-related injuries. There is also information for medical providers regarding the procedures to be followed for treatment authorization and bill payment. Several of the DHRC-I publications can be found here

including the *Injury Compensation Guide for the DLA Employee* and the DHRC-I Poster—*What to do when injured at work*. All of our prior quarterly program newsletters are available as well.

Suggestions for additional program content can be made by contacting our office at (866) 737-9724.

Case Law: Employee's Failure to Adhere to Safety Warning Not Necessarily Fatal to an Injury Claim

“CAUTION—WET FLOOR” How often have we noticed the sign as we go rushing past it? Ever ponder who might “foot” the bill should an injury occur? Consider the case of *R.H. and U.S. Postal Service, 60 ECAB 09-13, March 6, 2009.*



In this case, an employee broke her ankle after slipping and falling on a wet floor in the women's locker room at the employing agency. The agency challenged the claim, alleging that the claimant willfully disregarded warnings from two custodians that the floor was wet. The U.S. Department of Labor (DOL) denied the claim based on insufficient medical documentation,

and because they believed the employee removed herself from performance of duty by ignoring the custodians' verbal instructions not to walk on the wet floor. In denying the claim, DOL relied on prior case law: *Debski, 2005 LRP 27245 ECAB 1993.* In *Debski*, the employee was injured while collecting his personal mail from the rear area of the post box section. The agency had specifically advised that this section was off-limits and had posted signs to that effect. The employee appealed.

The Employees' Compensation Appeals Board (ECAB) reviewed the case and concluded that the employee was engaged in an activity that was rea-

sonably incidental to her employment when she slipped and fell. ECAB considered *Debski* to be distinguishable from the current case in that no such prohibition from entering the women's locker room was in place. They remanded the case to DOL to consider the medical evidence.

An employee does not necessarily leave the course of employment by engaging in an activity that ministers to her personal comfort. The employee's failure to adhere to safety procedures or warnings was not fatal to her claim because the employing agency did not specifically prohibit her from entering the area where her injury occurred. Ouch!

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

DOD Pipeline Program: Still a Viable Option for Returning Injured Employees to Work

The Pipeline Program enables DOD installations to return injured employees to work by providing funding for salaries, benefits, and overhire authority for the first year of employment. In other words: Free money and a free Full-Time Equivalent allocation. Sound intriguing?



Any supervisor or manager interested in using the Pipeline Program to return an injured employee to work is encouraged to contact the DHRC-I office. Through its ongoing

review of all compensation cases, DHRC-I has identified several return-to-work prospects located throughout CONUS. We would love the opportunity to match the skills and abilities of an injured employee to your business requirements.

Returning an injured employee to gainful employment is the single most important way to decrease compensation costs. Currently, DLA's annual workers' compensation program cost is \$23M, with approximately 600 employees in receipt of long-term benefits.

The DHRC-I Staff Have Been Asked...

Q: How often are compensation checks issued by DOL?

A: Short-term compensation payments are issued each week. The period covered may include several days to several weeks. Long-term/periodic rolls compensation payments are issued every 4 weeks.

Q: If an employee's pay increases while he/she is receiving compen-



sation (due to a within grade increase or promotion) will compensation increase too?

A: No, an employee's pay rate for compensation purposes is not affected by later changes in his/her salary. This is because the pay rate for compensation purposes is based on the employee's pay on the date of injury, the date disability began, or the date of recurrence.

Q: How long does an accepted injury case remain open?

A: An accepted case remains open for as long as medical care or disability continues.

Q: What does "ACS" stand for?

A: Affiliated Computer Services. DOL contracted with ACS in 2005 to handle all medical billing and treatment authorizations issues.



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

Defense Logistics Agency, DHRC-I
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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.

"Seize the Daylight" - Some Interesting Facts About Daylight Saving Time (DST):

—Benjamin Franklin first conceived the notion of DST while he was living in Paris. He imagined that many candles could be saved if people awakened earlier.

—During World War I, DST was first adopted in Germany. Other countries quickly followed. Daylight replaced artificial lighting and saved precious fuel for the war effort.

—A U.S. law passed in 2005 extended DST from March to November beginning in 2007. Hawaii and most of Arizona do not use DST. Indiana adopted it in 2006.

Source: <http://www.seizethedaylight.com>

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 has just provided you with a completed CA-1, *Notice of Traumatic Injury* form, for an injury that occurred 6 months ago. You vaguely remember the incident and recall that the employee missed a couple of days of work, which was covered by his sick leave at his preference. The employee originally elected not to file a workers' compensation claim for his injury. He tells you he is providing you with the CA-1 form now because he has received several notices that his medical bills are going to collections. The employee wants to know if his injury will be covered by workers' compensation. What do you tell him?

- A. It is too late to submit the CA-1 form. The U.S. Department of Labor (DOL) would likely deny his claim on the basis that it is untimely filed. You reject the CA-1 from the employee and advise him that he should contact his private health insurance carrier to arrange for payment of his medical bills.
- B. You accept the CA-1 form from the employee. You advise him that he will need to submit supporting medical documentation. You advise him that while his claim would be considered to be timely filed by DOL, they will likely seek additional information from him during the claims adjudication process.



Bonus Question: What if the employee asks about having Continuation of Pay in lieu of the sick leave he used?

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>