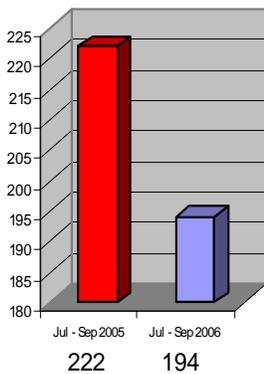


ICC Insider

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New Injury Claims Received by the ICC



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“Every calling is Great when Greatly pursued.”

—Oliver Wendell Holmes

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ICC Welcomes New Staff Members

The DLA Injury Compensation Center (ICC) recently welcomed two new members to its staff: Mr. Todd Dolan and Ms. Marlene Davis. Their addition marks an expansion of the ICC office to two satellite branches located onsite at the Defense Distribution Depots in Susquehanna, Pennsylvania (DDSP) and San Joaquin, California (DDJC). Feedback from both locations has been positive.

Mr. Dolan comes to DLA from the Transportation Security Administration (TSA), where he previously served as a generalist in the human resources office providing advice and assistance in multiple personnel disciplines. Although fairly new to the Federal service, he brings with him a solid program knowledge base and enthusiasm. Since his arrival in October 2006, Mr. Dolan has worked diligently at promoting the visibility and accessibility of the ICC and the workers’ compensation program to the local DDSP community. He has become a valuable resource for all DDSP employees.



Todd Dolan and Marlene Davis have recently joined the ICC Staff

Ms. Davis has been with DDJC since 1994 and she has nearly 20 years of total Federal service. Her previous assignments have included a variety of clerical and administrative positions located at Ramstein Air Force Base (AFB), Germany and Castle AFB, California. The ICC staff have enjoyed a long history of working with Ms. Davis, who served as an Administrative Assistant in the workers’ compensation program when the ICC was originally established in 2002. Her extended tenure with the DDJC organization makes her uniquely qualified to represent both the Agency’s and the injured worker’s interests.

SHARE Initiative Extended, Agency Goals Modified

President Bush has approved a 3-year extension to the U.S. Department of Labor’s Safety, Health, and Return to Employment (SHARE) program. Prior to the extension, the 3-year inaugural initiative, which officially expired on September 30, 2006, helped Federal agencies to reduce workplace injuries and improve the processing of workers’ compensation claims.

With the extension through Fiscal Year (FY) 2009, Federal agencies must now meet the following benchmarks:

—a minimum timely filing rate of 50 percent for FY2007, 55 percent for FY2008, and 60 percent for FY2009. No agency will have to exceed a 95 percent timeliness rate.

—a maximum lost production day (LPD) rate of 15 percent for agencies using FY2003 as a baseline. For all other agencies, a “suggested” maximum LPD rate of 15 percent and a requirement to reduce the LPD rate by 1 percent per year.

The original goals of reducing total injury and lost-time cases by 3 percent annually remain in effect.

Tips Offered to Avoid “BlackBerry Thumb” and Other Techno-Related Workplace Maladies

For many Federal employees, hand-held electronic devices such as BlackBerries, Treos, and Sidekicks are a source of convenience and efficiency as well as a job necessity. However, if used improperly, they can lead to chronic pain and injury according to the American Physical Therapy Association.

“BlackBerry Thumb,” the latest in a string of techno-related workplace maladies, is a catchall phrase for repetitive stress injury, causing pain and/or numbness in the thumbs and joints of the hand. The condition is caused by spending too much time checking and composing e-mails, instant messaging, and accessing the internet through a handheld wireless personal digital assistant (PDA).

PDA abusers—those who use them for more than short intervals several times a day—are more likely to develop symptoms ranging from swelling and hand throbbing to tendonitis, and overuse can aggravate underlying arthritis among older workers. There are strategies agencies can use to help their employees avoid problems. Some recommendations:

- take frequent breaks from your PDA.
- write fewer and shorter messages; learn to abbreviate responses.
- try to avoid thumb typing, use fingers instead.

- use a support to make sure your wrists are not flexed or bent.
- perform exercises and stretching.

Employees already exhibiting symptoms should seek medical advice and care. Typical treatments include applying ice to the affected area, stretching, using a properly fitted thumb splint, and cortisone injections. In worst cases, surgery may be needed.



Repetitive stress injuries are covered by the Federal Employees’ Compensation Act. Claims should be filed on form CA-2, *Notification of Occupational Disease and Claim for Compensation*.

New Public Law Provides Additional Benefit for DOD Employees Who Died in Performance of Duty in Afghanistan and Iraq

On June 15, 2006, President Bush signed Public Law (P.L.) 109-234, which provides an additional death benefit to survivors of Department of Defense (DOD) employees who died in the performance of duty in Afghanistan and Iraq. This benefit will be applicable during fiscal years 2006, 2007, and 2008. There is no retroactive provision for this benefit.



P.L. 109-234 applies to DOD civilian employees on Temporary Duty or Change in Duty Station. It provides for the payment of an amount equal to 1 year of the employee’s salary at the time of death.

Benefits paid by DOD under this provision are non-taxable and are in addition to any benefits payable under the Federal Employees’ Compensation Act (FECA), and the

\$10,000 Death Gratuity benefit authorized under Section 651 of P.L. 104-208. The additional death benefit may be received concurrently with the \$10,000 Death Gratuity benefit; however, payment of the benefits cannot be made until a survivor is deemed eligible to elect death benefits under FECA. Benefits are first payable to the widow/widower, then to a child or children in equal shares, then to dependent parents.

Are Injuries From Added Work During the Holiday Season Compensable?

Many Federal workers experience a dramatic increase in their work volume during the holiday season. From mail processors to baggage handlers, the increased volume can mean more workers’ compensation claims.

Even when it seems obvious that the added work and stress had a role in causing an injury, an injured worker

must still prove that the injury or condition is causally related to their employment. As with all workers’ compensation claims, the weight of the evidence will rest with the supporting medical documentation.

All employees are required to provide sufficient medical evidence to support any work-related injury or illness claim. This

documentation must include a history of the condition reported by the employee, a diagnosis and prognosis, the treatment plan, and most importantly, a physician’s well-rationalized opinion as to the relationship between the injured worker’s medical condition and the claimed work factors.



Stress Claims 101: Can Workplace Stress Lead to a Workers' Compensation Claim?

In any Federal workplace, tensions can rise between employees and their supervisors. But what if an employee ends up seeking medical treatment for stress that he/she claims is from interactions with the boss? Would this be a successful workers' compensation claim?



The burden of proof rests with the individual employee. Generally, there are five requirements for a successful stress claim:

- Timely submission
- Claimant must be a Federal employee
- The illness or injury must be documented by a physician

—The illness or injury must affect the claimant's ability to perform his/her job responsibilities

—Causal relationship must be demonstrated between the illness or injury and the claimant's job

An employee's mere perceptions of harassment or discrimination are not compensable under the Federal Employees' Compensation Act (FECA). In order to establish a compensable emotional injury due to a supervisor's harassment, an employee must introduce evidence other than his/her own testimony to establish that the alleged acts occurred.

Generally, interactions between an employee and supervisor dealing with

administrative or personnel issues do not meet FECA requirements for a compensable claim. Sometimes, the same incident can be compensable for one person but not another. For example, if a supervisor suffers stress because he/she has to discipline an employee, the claim may be compensable because that is part of the supervisor's job duties. If the disciplined employee suffers stress, his/her claim may likely fail because the discipline was part of an administrative process.

Each claim is adjudicated individually by the U.S. Department of Labor (DOL). Stress claims may be filed on either the CA-1 or CA-2 form depending on the specific circumstances of the situation.

Chiropractors May Only Provide Limited Reimbursable Services Under FECA

Under FECA, chiropractors are physicians only to the extent that their reimbursable expenses are limited to treatment consisting of the manual manipulation of the spine to correct a subluxation as demonstrated to exist by x-ray. Subluxation means an incomplete dislocation, off-centering, misalignment, fixation or abnormal spacing of the vertebrae. Chiropractors may provide physical



therapy services as prescribed or authorized by the injured worker's treating physician.

Since chiropractors are not qualified physicians within the meaning of FECA, their opinions do not constitute competent medical evidence that would support a claim. However, their opinions may constitute substantiating evidence of continuing complaints. A chiropractor's

opinion on anything but the spine will not help an injured worker meet the burden of proof on any injury claim.

A chiropractor is not a physician for the purpose of calculating a schedule award. Since a chiropractor is not an extremity expert and there is no schedule award payable for the spine under FECA, a chiropractor's opinion regarding a permanent impairment is of no probative medical value.

The ICC Staff Have Been Asked...

Q: I was hurt on the job, but I continue to receive unpaid medical bill statements. Why hasn't the ICC paid my bills?

A: The ICC is not involved with medical bill payment. The ICC advises injured employees via letter that they are responsible for ensuring that their physicians have the workers' compensation claim number and billing address for the U.S. Department of Labor (DOL). The ICC can



provide this information upon request. Absent this information, the medical provider may have no choice but to continue to bill the patient directly.

Q: I used my own leave while off work due to a work-related injury. I understand I must follow the leave buyback process to have this leave restored, but why do I have to pay money out of my own pocket?

A: The injured worker is responsible for repaying to the Agency the difference between the full salary that he or she received while on leave, and his or her corresponding compensation entitlement amount from DOL. DOL benefits are tax-free and are paid as a percentage of the injured worker's salary: 66 2/3 percent without dependents, or 75 percent with dependents.



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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 seven (7) Specialists and four (4) Assistants under the direction of the DLA Injury Compensation Program Manager.

OPM Enhances HealthierFEDS campaign for 2007, encourages employees to be physically active and make better lifestyle choices. The four key pillars of the initiative:

1. Be physically active every day
2. Eat a nutritious diet
3. Get preventative screenings
4. Make healthy choices

Source: Office of Personnel Management;
www.opm.gov/healthierfeds/



“Every strike brings me closer to the next home run.”
— Babe Ruth (1895—1948)

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. _____ is the mechanism by which the compensation costs for work-related injuries are assigned to employing agencies annually.
2. Employees injured at work cannot take legal action against the United States for the effects of the injury or disease. The right to benefits provided by the Federal Employees' Compensation Act (FECA) is the employee's _____ for the harm.
3. _____ occur when a personal, non-occupational condition causes an employee to collapse and suffer injury upon striking the immediate supporting surface and there is no intervention or contribution by any hazard or work condition.
4. _____ The rule that employees are generally not covered by the FECA for injuries that occur before they reach the employing agency's premises or after they have left it.
5. _____ is payable if an injury is so severe that the employee is unable to care for his/her physical needs such as feeding, bathing, or dressing.

- Attendant's Allowance**
- Coming and Going Rule**
- Chargeback System**
- Idiopathic Falls**
- Exclusive Remedy**