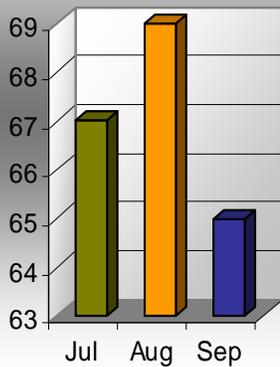


DHRC-I Insider

Volume 5 Issue 4

October 2008

New Injury Claims Received by DHRC-I 3rd Quarter 2008



◆ ◆ ◆ ◆ ◆

"I am only one; but I am still one. I cannot do everything, but still I can do something. I will not refuse to do the something I can do." (Helen Keller)

◆ ◆ ◆ ◆ ◆

Inside this Issue...

"Champagne Wishes and Caviar Dreams" Not Likely to be Funded by...	2
Supervisors Reminded of Timely Filing Requirements for Work-Related...	2
Biting Insects May Cause Compensable Injuries	2
Injured Employees Looking to "SEE ROCK CITY"...	3
Family Members Don't Qualify for Attendant...	3
The DHRC-I Staff Have Been Asked...	3
Putting the Knowledge to the Test: What Would...	4

Agency Workers' Compensation Costs Continue to Decline—Annual Savings of \$1.2M Realized

Getting injured at work not only hurts, it costs. Medical bills, lost wages, and lost production days all contribute to the Agency's injury compensation chargeback bill. Fortunately though, that bill isn't what it used to be. For the most recent chargeback billing year that ended on June 30, 2008, DLA's compensation costs are down by just over \$1.2M as compared to the same timeframe a year ago. DLA's bill is currently \$23.3M, which is down from \$27M in 2002 when the DHRC-I was established. This savings is even more significant when consideration is given to the facts of rising health care costs and employee salaries. So what's the secret to the Agency's success?



DLA's compensation costs decreased by more than \$1.2M in one year

DHRC-I Director, Ms. Donna Estep, identifies several contributing factors to the success of the Agency's injury compensation program: Command support, resource availability, a strong partnership with the DLA Office of Investigations and the DLA Human Resources and Safety Offices, and the utilization of Department of Defense Initiatives such as the Pipeline Funding Program, which to date has funded the return to work for 38 employees. Within this framework, the DHRC-I staff is able to aggressively manage the injury compensation program by controverting questionable claims, referring fraudulent cases for investigation, initiating frequent and ongoing communication with injured employees and their supervisors, and coordinating return-to-work efforts with treating physicians and case nurses.

"Saving \$1.2M in a year is a major accomplishment for the Agency," says Ms. Estep. "It was achieved by the collaborative efforts of the DLA Enterprise. Truly, everybody has a hand in this, and together we are all making a very real difference."

DOL Changes Workers' Compensation Claims Jurisdiction in Two of Their District Offices

In the interest of improved customer service, the U.S. Department of Labor (DOL) recently changed the jurisdiction of workers' compensation claims in two of their District Offices: Dallas, Texas and Kansas City, Missouri. The changes became effective October 1, 2008.



New injury claims received beginning on this date from employees who work in the state of Arkansas will be processed by the Kansas City office. Previously, these injury claims were serviced by the Dallas office. Existing cases for resi-

dents of Arkansas will remain in the Dallas district office. DOL plans to transfer all active Arkansas claims to Kansas City at a future date. This method will allow for a more gradual adjustment for DOL staff and for a smooth transition for all impacted parties.

In support of their decision to transfer this workload, DOL cited high staffing turnover in their Dallas office, contrasted with the relatively stable workforce in Kansas City. Additionally, internal DOL measures support that the Kansas City office has consistently exceeded claims processing timeliness.

“Champagne Wishes and Caviar Dreams” Not Likely to be Funded by Compensation Benefits

Note to injured employees: better hold off on the hot tub excavation, and shelve the European Day Spa membership because compensation benefits aren't a blank check. In fact, the kinds of services and items an employee might think he/she needs to lessen the effects of a workplace injury of disability doesn't always jive with what the U.S. Department of Labor (DOL) is willing to approve.



DOL has broad discretion in authorizing services and supplies that have been prescribed by an employee's physician. However, all requests must be supported by rationalized medical evidence and they must be reasonable. Consider the case of *J.M. and Peace Corps*, 108 LRP 32210, 5/21/08.

In this case, the employee requested reimbursement for numerous expenses he claimed were related to his accepted medical conditions. A sampling of his purchases included: \$4,600 worth of healing and recovery books and compact discs (CDs), pharmaceutical and health club expenses, and medically required exercise clothing.

In seeking reimbursement, the employee cited these items to have been recommended by his various physicians. In fact, according to at least one of his physicians, the books and CDs were “medically essential to his healing, health, and well-being process.” Another physician recommended acupuncture, tai-chi, yoga, sound healing, and music therapy

among other treatments. DOL denied the reimbursement request because advance authorization was not obtained from their office prior to the employee's purchases. The employee appealed.

The Employees' Compensation Appeals Board agreed with DOL that because the services and items for which the employee sought reimbursement were not for medical treatment, he was required to obtain authorization in advance of the purchase, which he failed to do. Furthermore, his physicians did not adequately explain why the items/services were necessary. The attending physician must describe what is needed, how the item will affect the work-related condition, and how long it will be required.

Supervisors Reminded of Timely Filing Requirements for Work-Related Injury and Illness Claims

Every day following a work-related injury counts. Supervisors are reminded that 20 CFR 10.110 requires that Forms CA-1, *Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, and CA-2, *Occupational Illness or Disease*, must be submitted by the Agency to DOL within 10 working days after receipt of notice from the employee if the injury or disease will likely result in: a medical charge

against DOL, disability for work beyond the day or shift of injury, the need for more than two appointments for medical examination on separate days, future disability, permanent impairment, or continuation of pay.

The timely submission of claim forms allows DOL to authorize needed medical care and to pay

medical and wage-loss compensation benefits more promptly. Additionally, DOL is able to initiate case management services such as nurse intervention, which can expedite the injured employee's recovery and return to work.



All CA-1 and CA-2 forms should be submitted to the DHRC-I office as soon as practicable. The DHRC-I staff are responsible for filing them with DOL.

Biting Insects May Cause Compensable Injuries

'Ghoulies and ghosties, and long-legged beasties, and things that go bump in the night'—all scary for sure, but what about those creatures that bite? For many DLA employees, working in locations inhabited by arthropods such as insects or arachnids is a daily event. And sometimes they do get bitten. Are such injuries compensable under the Federal Employees' Compensation Act (FECA)? They can be.



Although each case is adjudicated individually by DOL, FECA coverage would likely be extended if the employee can support that the injury occurred: 1. at a time when he/she was reasonably engaged in performing official duties; and 2. at a place where he/she may reasonably be expected to be at in connection with the employment.

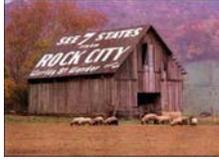
In cases where the perpetrator slips away sight unseen, DOL's procedures allow that a claim may be accepted utilizing sur-

rounding factual and medical evidence. Furthermore, in certain cases, DOL may accept such a claim even without a medical report when the condition is a minor one that can be identified on visual inspection.

Employees are encouraged to wear personal protective equipment to minimize the potential for being bitten. Any incidents of suspected insect bites should be promptly reported to the employee's supervisor.

Injured Employees Looking to “SEE ROCK CITY” Shouldn’t Plan to do so on DOL’s Dime

Intrigued by the signs beckoning you to “SEE ROCK CITY?” Road trip fans beware, the U.S. Department of Labor (DOL) limits medical travel reimbursement to reasonable distances only. Consider the case of *J.W. and U.S. Postal Service*, 108 LRP 47113.



In this case, DOL denied the claimant’s request for reimbursement of travel expenses for a 440-mile roundtrip visit to her orthopedic surgeon. In accordance with 20 CFR 10.135, DOL denied the request on the bases that it exceeded a “reasonable” distance and that there were other appropriate physi-

cians available within 25 miles of the employee’s residence who could treat her condition. An interesting issue in this case was the fact that DOL had actually authorized the employee, at her request, to see the doctor who was located 220 miles away.

The Employees’ Compensation Appeals Board (ECAB) has long held that DOL has broad discretion in considering whether to reimburse or authorize travel expenses. Unless DOL abuses such discretion, its decisions will generally be upheld.

ECAB upheld DOL’s denial, highlighting the fact that the employee had sufficient medical resources available

to her within 25 miles of her home, resources which included her original treating physician and an orthopedic clinic. When determining what is reasonable, consideration is also given to the accessibility of medical services in the employee’s area, the medical condition involved, and the means of transportation.

Because the employee had previously been able to schedule an appointment with the orthopedic clinic, ECAB concluded that competent medical care was not only available, but accessible. The employee’s preference to see a physician located 220 miles away did not entitle her to reimbursement for her associated travel expenses.

Family Members Don’t Qualify For Attendant Care Allowance

The Federal Employees’ Compensation Act, 5 U.S.C. 8111, permits that in cases of severe injuries where employees are unable to care for their physical needs such as feeding, bathing, or dressing, DOL will pay for the services of an attendant up to a maximum of \$1,500 per month if rationalized medical evidence supports the need for such services. There are limitations; however, to the circumstances in which attendant allowances can be paid.

The assistance required by the employee must be personal in nature;

an attendant’s allowance cannot be paid for cooking or house-keeping services. Any needed personal care services must be provided by a home health aide, licensed practical nurse, or similarly trained individual. Family members don’t qualify for attendant care allowance, and benefits payable under *Section 8111* cannot be used as a source of family income.

Effective January 4, 1999, DOL began paying all attendant’s allow-



ances as medical expenses. Prior to this date, it was paid directly to the injured employee. Like other medical providers, the attendant is required to bill DOL periodically using form HCFA-1500. When the condition requiring the services of an attendant is not permanent, periodic medical examinations must be arranged to demonstrate the continued need.

So although DOL won’t pay your dear old grandmother for providing you with her delectable chicken noodle soup, grab a spoon and eat up anyway. It’s sure to make you feel better.

The DHRC-I Staff Have Been Asked...

Q: I have not been able to reach my claims examiner at the U.S. Department of Labor (DOL) via telephone. How can I send him/her an electronic mail (email) message?



A: Pursuant to policy established by DOL, email communication is prohibited with constituents regarding case-specific concerns. Because email traffic travels via the Internet, which

is inherently insecure in nature, email may be unknowingly intercepted or copied by unintended parties. *The Privacy Act of 1974* requires DOL to protect the identities and personal information of claimants; therefore, email is not used as a means of communication outside of their office. Claimants may continue to contact DOL via telephone or regular (snail) mail.

Q: Will I be reimbursed for lunch or other meals when I have to travel for medical treatment?



A: Usually not. DOL reimburses claimants for medical travel based on the *Federal Travel Regulation* (41 C.F.R. 300-304). According to this regulation, an employee must be in a travel status for more than 12 hours to be eligible for per diem reimbursement.

**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.

The Healthiest Foods on Earth

It's a fact: some foods just work harder to keep you healthy. They are proven, expert-beloved disease fighters and energy boosters. Add them to your meals and get on the fast track to a super-healthy you:

- | | |
|----------------|----------|
| Lemons | Broccoli |
| Dark Chocolate | Potatoes |
| Salmon | Walnuts |
| Avocados | Garlic |
| Spinach | Beans |

Fitness Magazine, <http://www.fitnessmagazine.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 in an approved temporary duty (TDY) status attending a work-related business conference in Atlantic City, New Jersey. You receive word that the employee injured herself last night when she fell down two steps while exiting a local restaurant. The time of injury was 6:45pm, and you are aware that the conference officially ended at 5:00pm that day. The employee sought medical care in a local hospital emergency room. She wants to know if her injury will be covered by workers' compensation. What do you tell her?

- A. She certainly has the right to file a claim, but in all likelihood, her injury will not be covered because it occurred more than 30 minutes after the end of the conference time that day. You tell her that coverage would have been afforded if she had proceeded to eat dinner directly after the conference had ended.
- B. She has the right to file a claim. You advise her that her injury will likely be approved because Federal employees are covered 24 hours per day while they are in an approved TDY status.
- C. She has the right to file a claim. You advise her that her injury will likely be covered because she was injured in an approved TDY status and was engaged in an activity reasonably incidental to the performance of her official duties.



Bonus Question: What if the injury occurred when the employee was exiting a local casino after a gambling trip?

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>