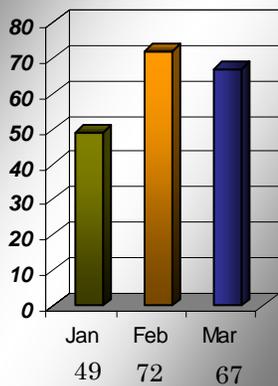


# DHRC-I Insider

Volume 4 Issue 3

May 2007

**New Injury Claims Received by DHRC-I 1st Quarter 2007**



◆ ◆ ◆ ◆ ◆  
*"It's kind of fun to do the impossible."*

—Walt Disney  
 (1901- 1966)

◆ ◆ ◆ ◆ ◆  
**Inside this Issue...**

New Case Law: ECAB Rules Same-Sex Spouse Not a Dependent...	2
New Case Law: ECAB Rules Lunchtime Errands...	2
Job Offer Letters Document Injured Employees'...	2
DHRC-I Injury Insight: Carpal Tunnel Syndrome...	3
A Reminder on Medical Bill Payment...	3
The DHRC-I Staff Have Been Asked...	3
Putting the Knowledge to the Test: What Would...	4

## Fraud Conviction Results in Substantial Workers' Compensation Cost Savings

Recently, a former Defense Logistics Agency (DLA) employee was convicted of fraud connected to his workers' compensation claim. As a result of this conviction, DLA will save \$14,456.00 in projected annual compensation costs. The projected cost avoidance over the lifetime of this claim is estimated to be \$274,664.00.



By history, claimant was a warehouse worker who sustained a back injury in 1990. Having been deemed temporarily totally disabled by his physician, the claimant filed for, and received, wage-loss compensation benefits from the U.S. Department of Labor (DOL).

Between March and September 2004, periodic surveillance was conducted by the DLA Office of Investigations (OI) formerly the DLA Criminal Investigations Activity. During this time, it was disclosed that the claimant worked for a private contractor, a company that was owned by an acquaintance. Upon further investigation, it was revealed that the claimant had actually been working for the company for about 2 years, 3 to 4 times per week as a laborer. Under questioning by OI, the company's owner stated that he had not paid the claimant directly for the work he performed; rather, he had paid another employee, also an acquaintance of the claimant, about twice the amount that he would pay an unskilled laborer.

A review of the claimant's official compensation case file at DOL produced several periodic wage earning survey forms on which the claimant had certified by his written signature that he had not worked, nor received any income. When interviewed by OI, the claimant admitted he had not reported the income as required. Ultimately, the claimant pled guilty as charged, received 12 months probation, and was ordered to pay restitution to the Agency in the amount of \$26,062.77.

## Message For Supervisors: Keeping In Touch With Injured Employees is Important

All supervisors are reminded of the importance of keeping in touch with their injured employees. Regular contact helps to ensure the integrity of the workers' compensation program; while at the same time, reassures injured employees that although they are not in the workplace, they remain important to the mission and are valued by the Agency.

Unless officially separated from the rolls, injured workers remain Agency employees. As such, they are subject to the same requirements and expectations of all employees regarding absence and

leave, and for keeping supervisors apprised of their work status.

By regulation (20 CFR 10.506), the Agency may monitor an injured employee's medical progress and duty status by obtaining periodic medical reports. To aid in returning an injured employee to work, the Agency may also contact the treating physician, in writing, concerning any medically-prescribed work limitations. The DHRC-I office routinely sends correspondence to physicians advising them of light duty availability. Other physician correspondence is initiated by DHRC-I on a case-by-case basis.

## New Case Law: ECAB Rules Same-Sex Spouse Not a Dependent for Augmented Compensation Benefits

In a case of first impression, the Employees' Compensation Appeals Board (ECAB) recently decided whether a same-sex civil marriage would entitle an employee to receive augmented workers' compensation benefits under the Federal Employees' Compensation Act (FECA). Under FECA, compensation is paid as a percentage of the injured worker's salary: either 66 2/3 percent without dependents, or 75 percent with dependent(s).

The case, *C.M. and U.S. Postal Service*, 107 LRP 20817, ECAB 4/5/07, involved a postal worker and her same-sex partner who had entered into a civil marriage under the laws of the Commonwealth of Massachusetts on August 14, 2004. In the case, the

appellant sought augmented compensation on the basis that her same-sex spouse was an eligible dependent.

ECAB first looked to the marriage laws of the state of Massachusetts, and noted that same-sex marriage had been legalized since May 14, 2004. However, compensation payable under FECA is not a benefit granted under state law. Rather, the appellant's claim to benefits was premised on her status as an injured Federal worker. For this reason, ECAB then looked to The Defense of Marriage Act (DoMA).

The DoMA, passed by Congress in 1996, provides that in determining the right of parties to benefits under FECA, the statute and implementing

regulations are to be interpreted as recognizing marriage as a legal union between only one man and one woman. The practical impact of the DoMA is that it applies to only Federal laws. The determination of who may enter a marriage continues to be a function of state law. For this reason, ECAB upheld the denial of her entitlement to augmented compensation benefits.

On appeal, the appellant contended that the application of the DoMA violated her right to equal protection in the recognition of her marriage. ECAB stated that it was not the proper forum to challenge the constitutionality of an act of Congress, and directed that those arguments must be pursued elsewhere.



## New Case Law: ECAB Rules Lunchtime Errands Not Considered Performance of Duty

The Employees' Compensation Appeals Board (ECAB) has ruled that an employee was not in the performance of duty when she was injured while running personal errands at lunchtime. The case is *E.B. and Homeland Security, Customs & Border Protection*, 107 LRP 16200, ECAB 2/27/07.

In the case, the appellant was traveling to a credit union during her

lunch break. She tripped over a brick in the parking lot of the credit union, which was not located on the Agency's premises. She sustained multiple contusions and a wound in her forehead that required stitches. The appellant argued that her injury was compensable because if she were not at work, she would not have been at lunch.

ECAB concluded that being at lunch

did not make the risk involved in crossing public streets incidental to her employment. Her injury was the result of the common perils of the journey itself, which are shared by all travelers.

Ultimately, ECAB upheld the denial of benefits as there was no indication that the appellant was engaged in any task incidental to her employment when she was injured. Rather, she was engaged in a purely personal errand.

## Job Offer Letters Document Injured Employees' Return to Work

Where the attending physician or the Office of Workers' Compensation Programs (OWCP) notifies the employer in writing that an injured employee is capable of performing some work, a job offer in writing should be initiated. The Injury Compensation Center (DHRC-I) prepares job offer letters to formally document an injured employee's return to work. It is important to note that job offers



prepared by DHRC-I do not circumvent the normal staffing process.

In preparing a job offer letter, DHRC-I works directly with the injured employee's supervisory chain. The supervisor is provided with the medical restrictions and he/she then determines the availability of work. The supervisor provides direct input to DHRC-I regarding the specifics of the work to be performed, and a job offer letter is prepared.

OWCP retains the sole authority to determine the suitability of all job offers. After review, OWCP will advise both the injured employee and the employer of its decision.

Employees are obligated to return to work when they are medically capable of doing so. An employee who refuses a suitable offer of work may lose entitlement to current and future compensation benefits.

## DHRC-I Injury Insight: Carpal Tunnel Syndrome, "It's All in the Wrist"

Carpal tunnel syndrome (CTS) refers to a specific pattern of hand pain or numbness that occurs along the palm and into the fingers and wrist. The median nerve, along with the tendons that bend (flex) the fingers, pass through a space inside the wrist called the carpal tunnel. Inflammation or increased fluid retention compresses the nerve, and can cause pain or numbness along the palm and into the thumb, index, and middle fingers.



CTS is diagnosed by the patient's history of symptoms, physical exam, diagnostic X-rays, nerve conduction studies, and blood tests. Conservative treatment for CTS includes eliminating the cause, anti-

inflammatory medication, protective splints for work and/or sleep, stretching exercises, and corticosteroid injections into the carpal tunnel. In chronic or severe cases, surgical intervention may be required. (Source: [AnswerMed.com](http://AnswerMed.com).)

Within the Defense Logistics Agency (DLA), work-related CTS claims have been a costly occurrence. Annual compensation costs attributable to CTS have hovered around \$1 million for the last several years. Given the nature of the work being performed within DLA, the potential for industrial CTS claims remains high. A review of DLA's recent compensation chargeback reports indicates that CTS affects both blue collar and white collar employees alike.

CTS has been prevalent among the blue collar workforce in positions involving material handling, packing, and crane operating. In the white collar workforce, CTS has been prevalent in supply program management, office automation, inventory management, and property disposal.

Unfortunately, there are no proven strategies to prevent CTS; however, employees are urged to take some precautions: reduce your force and relax your grip-most people use more force than needed to perform many tasks; take frequent breaks; watch your form-avoid bending your wrist all the way up or down; improve your posture; and keep your hands warm. (Source: [MayoClinic.com](http://MayoClinic.com))

## A Reminder on Medical Bill Payment

Affiliated Computer Services (ACS) provides all medical bill payment services for the Office of Workers' Compensation Programs. (OWCP) In order to be paid, certain procedures apply.

All medical providers must enroll with ACS to receive a provider identification number. This number is required on all bill submissions. Bills must be submitted on the correct form and reflect the OWCP case number in order to be considered for payment. Any medical bill submit-

ted without this information will be returned by ACS to the provider.

Injured workers are responsible for providing their medical caregivers the OWCP case number; and where applicable, a copy of the OWCP correspondence that supports the acceptance of the work-related injury claim. The Injury Compensation Center (DHRC-I) is available to assist injured workers with billing issues; however, DHRC-I does not play any direct role in the bill payment process.



Medical providers and injured workers may obtain information from ACS on billing or reimbursement claims online at <http://owcp.dol.acs-inc.com>. Bill status information is also available 24 hours per day, 7 days per week via the Interactive Voice Response System by dialing toll-free (866) 335-8319. Callers wishing to speak with an ACS representative may call (850) 558-1818 during regular business hours. In certain cases, ACS will initiate check tracer action on individual non-payment receipt claims.

## The DHRC-I Staff Have Been Asked...

**Q: I have attended several medical appointments since I was injured at work. Is there any way I can be reimbursed for my transportation expenses?**

**A:** Under the Federal Employees' Compensation Act, an employee is entitled to reimbursement of reasonable/necessary expenses, including transportation needed to obtain



authorized medical services, appliances, or supplies. Generally, a distance of 25 miles from the place of injury, the work site, or the employee's home is considered a reasonable distance to travel for medical care and services. To file for reimbursement, an injured employee should complete form OWCP-957, *Medical Travel Refund Request*, and submit it to DHRC-I.



**Q: Is it necessary to report all injuries that occur at work, even minor ones such as a cut finger or bumped knee?**

**A:** All injuries should be reported when they occur, since a minor injury sometimes develops into a more serious condition. Benefits cannot be paid unless an injury is reported.



**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](mailto:ICC@dla.mil)**

**Website: [www.hr.dla.mil](http://www.hr.dla.mil)**



To stop weight gain, most Americans need to do two simple things each day: add 2,000 more steps and eat 100 fewer calories. Some ideas:

1. Eat salad without the croutons
2. Leave 3–4 bites on your plate
3. Ask for a cup of soup rather than a bowl
4. Have 1 less handful of mixed nuts
5. Make a pizza with half the cheese
6. Eat slowly to make your meal last
7. Share your dessert with someone else

Source: America On the Move, Prevention Magazine; [www.prevention.com](http://www.prevention.com)



The DLA Human Resources Center, Injury Compensation Center (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.



“When you do the common things in life in an uncommon way, you will command the attention of the world.”  
—George Washington Carver (1864-1943)

**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 that has just come to you to report an injury. The employee states that his knee has been bothering him for the last couple of weeks. He didn’t report it to you sooner because he thought it would get better on its own. The employee is now wanting to see a doctor and he wants you to grant him authorization to do so. Upon further questioning, you learn that the employee cannot attribute his injury to a single event or work shift; rather, he believes his knee problem is an ongoing condition due to the repetitive nature of his work. On this basis, you provide him with a form CA-2, *Notice of Occupational Disease and Claim for Compensation*. With regard to authorizing medical treatment, what would you do?

- A. Provide the employee with form CA-16, *Authorization for Examination and Treatment* within four hours of the employee’s request.
- B. Advise the employee that because he did not report the injury to you immediately that you will not authorize any treatment for him.
- C. Advise the employee that it is his responsibility to provide medical documentation to support his claim, and that all medical care should be coordinated through his personal health care insurance pending adjudication of his claim by the U.S. Department of Labor.



**Bonus Question:** How would you record the employee’s work absence when he goes to obtain medical care?



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>