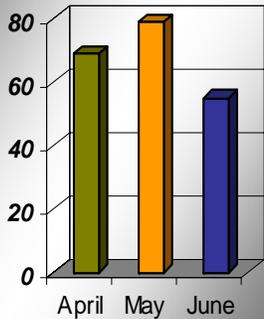


# DHRC-I Insider

Volume 4 Issue 4

August 2007

**New Injury Claims Received by DHRC-I 2nd Quarter 2007**



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*“Each day provides its own gifts.”*

—American Proverb

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## Latest Chargeback Report Shows Agency's Compensation Costs Continue to Decline

The figures are in and the Agency is looking good. For the most recent chargeback billing year that ended on June 30, 2007, compensation costs are down by just over \$1M. The Agency's current annual cost associated with workers' compensation claims is \$24.6M. Compare this to \$27.1M, the annual cost at the time of the DLA Injury Compensation Center's (DHRC-I) establishment in 2002, and it's easy to see that the Agency is moving in the right direction. The savings is even more significant when consideration is given to the fact that it is occurring despite rising health care costs.



**DLA's annual workers' compensation costs have decreased by \$2.5M over the last several years.**

Ms. Donna Estep, DHRC-I Director, is thrilled with the continued cost savings trend. “This is a significant accomplishment for the Agency. It's so nice to see the hard work by my staff paying off in such a big way; but I recognize that this achievement is really the result of a collaborative effort between various Agency offices. My staff and I are grateful for the support of the professionals at the DLA Human Resources Centers in Columbus and New Cumberland, the DLA Office of Investigations, the Agency's Health and Safety offices, and for the willingness of individual supervisors to continue to provide work for our injured employees. Together, we are truly making a difference.”

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## Time and Attendance Information for Employees Attending Routine Medical Appointments

Under the Federal Employees' Compensation Act, injured workers are entitled to be compensated for time loss from work due to disability or incapacitation, as well as to obtain medical care for work-related injuries. However, certain limitations apply.

As a rule, no more than four (4) hours of compensation or continuation of pay (COP) should be allowed for an employee's attendance at routine medical appointments. Longer periods of time may be allowed when required by the nature of the medical procedure and/or the need to travel a substantial distance to obtain the medical care. Normally, a distance of up to 25 miles



from the employee's home or work site is considered a reasonable distance to travel. Determinations to allow excused absences of greater than 4 hours are made on a case-by-case basis. Generally, the Agency will defer to decisions made on such matters by the U.S. Department of Labor.

It should be noted that an employee is only entitled to be compensated for the actual amount of time required to attend the medical appointment. Employees are **not** guaranteed an automatic entitlement to four (4) hours of compensation or COP for every scheduled medical appointment. All absences must be supported by appropriate medical documentation.

## New Case Law: ECAB Rules An Employee's Injuries From Fall While Fleeing Flying Insect Not Work-Related

Don't bug me. Dodging flying insects can be dangerous, but if the pesky critter is bugging a Federal employee in an area outside an Agency's exclusive control, workers' compensation benefits won't be payable. The case is *P.C. and Department of Defense, 107 LRP 19033, ECAB, 3/8/07*.



The Employees' Compensation Appeals Board (ECAB) ruled that an employee's right knee and low back injuries did not occur in the performance of duty. The employee had parked her car in a lot adjacent to the employing agency on her way to work. As she got out of the car, a cicada flew toward her. To avoid the bug's attack, she tried to get back into the car. In doing so, she twisted her right knee and fell, hitting the car

step and falling to the pavement. Because the agency did not own, lease, maintain, or control the area of the parking lot where the incident occurred, the ECAB concluded that her injury occurred as a result of an ordinary, non-employment hazard of the journey to work. Cicadas (at least once every 17 years!) present a hazard common to all travelers and had no connection to the employee's job.

The employee contended that the parking lot should be considered as part of the employing establishment's premises as the only entrance to the building was through the parking lot. ECAB ruled that the term 'premises' as it is generally used in workers' compensation law, is not synonymous with 'property.'

Mere use of a parking facility alone, is not sufficient to bring the parking lot within the premises of the employing establishment.

The appellant was injured in the process of coming to work for her tour of duty. ECAB has previously held that for employees having fixed hours and place of work, such injuries are compensable if they occur on the agency's premises, or within certain special hazard exceptions. In this particular case, the route to the employee's car that day was personal to her depending upon which space she parked in, the cicada had no connection with her employment, and access to the parking lot had not been proven to be limited to the employing establishment's personnel.

## Sprechen Sie Deutsch? Overseas Claims Present Unique Challenges But They Are Not "Lost in Translation"

"...Around the Clock, Around the World" and "Extend the Enterprise" are familiar phrases from DLA's Mission and Strategic Plan. With DLA employees located globally, the potential exists for overseas injury or illness.



Getting injured while in a foreign country can present its own unique challenges. Not the least of which is dealing with a potential

language barrier. Does the U.S. Department of Labor (DOL) speak German, for example?

Under the Federal Employees' Compensation Act, United States citizens receiving medical services in a foreign country are entitled to full medical benefits, including a choice of qualified physicians. English translations of medical reports or bills sub-

mitted in a foreign language are not mandatory; however, they can be helpful in expediting the processing of the claim. DOL guidance states that it is best to obtain translations locally; however, DOL does not pay for this service. If local translation is not possible, DOL may utilize an internal translation process. Particular forms are not necessary for payment of foreign bills. All bills are paid by DOL in the same currency in which they are received.

## Workers' Compensation Claim Information Protected By Privacy Act, Must Be Handled With Care

All workers' compensation claims records are protected from unauthorized release by the Privacy Act (PA). However, the employing agency is considered to be a party to the claim and is entitled to copies of certain records.



The agency may receive information in an employee's file under the "routine use" provision of the Privacy Act's regulations. The agency is ex-

pected to handle this information with care and to restrict access to those with a specific need to have it.

All workers' compensation claims contain personally identifiable information (PII), including an employee's age, marital status, home address and phone number, and medical information. Safeguarding this information is critical. DHRC-I personnel follow the Agency's lead in respecting employee

privacy and in protecting personal information.

DHRC-I verifies the identity of all callers before releasing any information. Statistical data requests are honored to the extent possible for customers with valid business needs. Anyone sending PA/PII information to the DHRC-I via email or snail mail should ensure that it is encrypted or secured.

## DHRC-I Injury Insight: Hearing Loss Claims, Noise Exposure Generates High Compensation Costs

Doctors believe that heredity and chronic exposure to loud noises are the main factors that contribute to hearing loss. Signs and symptoms of hearing loss may include: muffled quality of speech and other sounds, difficulty understanding words—especially against background noise or in a crowd, or needing to turn up the volume of the television or radio. Hearing loss cannot be reversed.



transmitted as efficiently, and hearing loss occurs. (Source: [MayoClinic.com](http://MayoClinic.com))

Because hearing loss is rarely painful, many people fail to notice the danger of harmful noise exposure. Anyone with difficulty hearing should consult a physician for evaluation and diagnostic testing. In some cases, hearing aids can be a helpful remedy.

Most hearing loss results from damage to the cochlea, a snail-shaped structure in the inner ear. Long exposure to noise can damage the cells, nerves, and hairs within the soft tissue of the inner ear. As a result, electrical signals aren't

Over the last 3 years, the Agency's annual compensation costs associated with hearing loss claims have averaged \$560K. Approximately 75% of this cost was due to associated medical expenses; however, the Agency also paid over \$325K in schedule award compensation benefits to employees with permanent hearing impairment.

Hearing loss claims are predominately filed by the Agency's blue collar workers. The highest compensation costs have been attributable to claims filed by employees in warehouse working, material sorting, motor vehicle operators, and mobile equipment mechanics. Within the white collar workforce, the highest costs have been associated with claims filed by employees in distribution facilities management, and supply clerical and technician positions.

To prevent noise-induced hearing loss, employees are encouraged to reduce their exposure to noise in both work and leisure activities. Employees should develop the habit of wearing earplugs or other safety devices. Regular hearing tests are recommended. (Source: [familydoctor.org](http://familydoctor.org))

## “Hot, Hot, Hot” Summer Weather Increases Potential For Heat-Related Illnesses

It's no picnic. Summer brings rising temperatures and humidity, and it can trigger heat-related illnesses such as heat stress, exhaustion, and stroke. To promote awareness of this issue, the Occupational Safety and Health Administration (OSHA) has developed a Quick Card of information, available at [www.osha.gov](http://www.osha.gov).

When the body is unable to cool itself, several heat-induced illnesses, or death, can occur. Factors leading to these conditions include high

temperature/humidity, direct sun or heat, limited air movement, physical exertion, some medicines, and inadequate tolerance for hot workplaces.

Symptoms of heat-related illnesses can include headaches, dizziness, lightheadedness or fainting, and upset stomach. Additionally, workers may have dry, hot skin with no sweating, or they may have

weakness with moist skin. In severe cases, seizures and convulsions may be present.



To prevent heat-related illnesses, workers are encouraged to block out direct sun or other heat sources, use cooling fans or air conditioning, rest regularly, drink lots of water, and wear lightweight, light-colored, loose-fitting clothing. Medical care should be obtained promptly for any suspected cases of heat-related illnesses.

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

**Q: My doctor told me I have permanent impairment resulting from my work injury. Can I get compensation for this?**

**A:** The Federal Employees' Compensation Act (FECA), provides compensation for the permanent loss, or loss of use, of specific members, functions, and organs of the body. This is called a schedule award, and payment is made for a



specified number of days or weeks according to the severity of the impairment. To initiate a claim, employees and their supervisors should complete a CA-7 form, *Claim for Compensation*.

**Q: I hired an attorney to represent me during the claims process. I've received my compensation benefits, but my attorney hasn't been paid. Why?**



**A:** Representation is not required under FECA, but it is a matter of personal choice. The employee, not the Office of Workers' Compensation Programs (OWCP), is responsible for paying the attorney fee.

OWCP will not direct the payment of a fee or help collect a fee. However, the law does require that OWCP approve such fees before payment.

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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.

Your mother always told you to eat your veggies. Check out the new public health initiative "*Fruits & Veggies — More Matters*" campaign to find out why she was on the right track:

1. Most are fiber-rich, nutrient-dense, and low-calorie, which can aid weight loss.
2. To get a healthy variety, think color.
3. Get creative, add more to your daily diet.
4. Set a good example for your children.

Source: Centers for Disease Control; *Fruits & Veggies — More Matters*; [www.fruitsandveggiesmatter.gov](http://www.fruitsandveggiesmatter.gov)

*"I hear and I forget. I see and I remember. I do and I understand."*  
—Confucius

**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 that an old work injury has flared up. By history, you are aware that this employee strained his back moving a computer printer six months ago. You recall that the employee had previously been released back to full duty and discharged from further medical care shortly after the incident. Upon questioning the employee, you learn that he lifted a box of computer manuals two days ago. He says his back pain has been constant since then. He did not say anything to you previously because he thought the condition would improve on its own. The employee wants to go back to his doctor and asks you what paperwork he needs to complete. How would you respond?

- A. Advise the employee to file a form CA-2a, *Notice of Recurrence*, because this is a case where the same old back injury has flared up. You further advise the employee that he can go back to the same physician for additional treatment under the original injury claim number.
- B. Advise the employee to file a form CA-1, *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, because this is a new injury to the same part of the body. You further advise the employee that he may seek medical care from the same physician, but he will ultimately need to provide a new claim number once it has been established.



**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>