

# ICC Insider

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## New Information Forthcoming from the ICC:

- Injury Compensation Handbook
- ICC Pocket Cards

*"It's easy to make a buck. It's a lot tougher to make a difference."*

—Tom Brokaw

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## Fraud Indictment Has Potential For Significant Cost Savings to the Agency

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 indicted on 72 counts of fraud involving the sale of prescription narcotics, providing false statements, mail and wire fraud, and possession of marijuana. If convicted, this individual faces a maximum sentence of 20 years in jail, plus substantial monetary fines. A conviction of fraud forfeits any rights to workers' compensation benefits. DLA's potential cost savings on this case will be nearly \$800,000.



While cases such as this remain the exception rather than the rule, agency officials are encouraged to direct a more-focused eye on questionable claims. Although it is unrealistic to address every potential scenario, indicators of possible fraud can be divided into two categories: 1. Questionable signs about the claimant; and 2. Questionable signs about the claim itself.

**A conviction of fraud serves as a forfeiture of workers' compensation benefits.**

Employees with a history of filing multiple claims, those who report an injury following a disciplinary action, those who work jobs on the side, or those with credit or other personal problems may resort to filing fraudulent claims. Likewise, injuries that are reported with differing versions, those that are unsupported by medical documentation, and those seemingly minor injuries that result in substantial time-loss from work by the employee also bear close scrutiny. Supervisors are encouraged to work closely with the DLA Injury Compensation Center staff members in cases where fraud is suspected.

## ICC Sends Greeting Cards to Injured Employees

The DLA Injury Compensation Center (ICC) recently started sending "get-well" greeting cards to injured employees. Initial feedback has been positive as employees have indicated that receiving the cards really lifted their spirits.



Injured employees often feel "forgotten" during their recovery process. The greeting cards serve as a simple, but sincere, reminder that although they are not in the workplace, injured employees remain important to the mission and are valued by the Agency.

## Telework Gives New Meaning to Workplace Safety Within the Federal Government

Safety in the workplace has taken on a new meaning with the Federal government's continued push for telework opportunities for employees. Telework also has workers' compensation implications. The Defense Logistics Agency (DLA) has developed a comprehensive *Telework Policy* setting forth specific program guidelines and procedures.

Employees working at home are responsible for ensuring that their home office complies with applicable safety requirements, and must sign a self-certification checklist. Management retains the right to have the home office inspected, by appointment only, if there is reasonable cause to



believe that a hazardous work environment exists.

Employees injured while teleworking are covered under the Federal Employees Compensation Act, provided the injury occurs during performance of official duties.

In accordance with DLA's *Telework Procedure*, "an employee who works at a desk at home removes himself or herself from the performance of regular duties as soon as he or she walks away from the desk to use the bathroom, get a cup of coffee, or seek fresh air."

This differs significantly from the official workplace where a legal con-

cept called the "personal comfort doctrine" holds the Agency responsible for injuries sustained by employees during the course of these types of activities.

Injuries that occur during telework must be reported immediately by the employee to his/her supervisor so that an investigation may be promptly initiated. Any workers' compensation claim submitted should include documentation supporting that the employee was working in an approved telework capacity at the time of injury.

To review DLA's Telework program guidance, please go to: <http://www.hr.dla.mil/j1/J12/telework/Futuretelework.htm>.

## Need Surgery? Authorization Requests Result in Lengthy Wait Times for Employees

Some sobering news for injured employees facing surgery: the average wait time is six months to one year for approval from the U.S. Department of Labor (DOL).

Why the delay? According to DOL, their office requires a second opinion in approximately two-thirds of all surgical requests. Scheduling and completing second opinion exams can take several months. To alleviate some of

the wait time, DOL centralized the medical authorization function into a single, contractor-run office in September 2003.

To guarantee payment, non-emergency surgery should be approved by DOL in advance. The attending physician is responsible for making the authorization request, and must include his/her reasons for

believing the procedure is necessary. The physician must also provide a diagnosis and the specific, applicable procedural codes.



Authorization requests may be made by contacting DOL toll-free at (866) 335-8319, or via fax at (800) 215-4901. Injured employees and their physicians may check the status of a request online at: <http://owcp.dol.acs-inc.com>.

## "Wish You Were Here...", Injured Employees Receive Claim Number Notification Via Postcard

All work-related injury or illness claims received by the U.S. Department of Labor (DOL) are assigned a nine-digit claim number for identification.

DOL notifies both the injured employee and the agency of the assigned number via a postcard (Form CA-801). This



postcard also contains some general information regarding submitting claim correspondence to DOL.

Employees should note that if the words "LIMITED MEDICAL ONLY" appear beneath the claim number, DOL will not provide any further written notice regarding the disposition of the claim. Claims with this

designation are handled administratively because they typically involve minor injuries with minimal medical expenses.

Injured employees should retain the postcard for their records, and are reminded that it is their responsibility to provide the assigned claim number to their physicians.

## “And the Award Goes to...” - Injured Employees May Be Eligible for Schedule Award Benefits for Permanent Disability

The Federal Employees Compensation Act includes a schedule of awards payable to employees with injuries resulting in the total or partial, permanent loss of specified bodily members or functions. The law does not allow for payment of a schedule award for impairment to the back, heart, or brain.



To be eligible for schedule award benefits consideration by the U.S. Department of Labor (DOL), the condition of the affected body member or function must have reached maximum medical improvement.

Form CA-7 is normally used to file a schedule award claim, although employees may also submit a written narrative request. Supporting medi-

cal documentation must include a medical judgment that the condition has permanently stabilized, and a calculation of the percentage of impairment determined in accordance with the *American Medical Association’s Guides to the Evaluation of Permanent Impairment*.

Upon a receipt of a claim for a schedule award, DOL may refer the injured employee for an additional medical consultation at no charge, and/or the Claims Examiner may seek the professional opinion of DOL’s District Medical Advisor.

DOL will inform the injured employee and the employing Agency in writing when a decision has been made on the schedule award claim. The written

notice will include the length of the award (in number of days or weeks payable), the award starting and ending date, the pay rate in which the benefits were computed, and the compensation rate (66 2/3% without dependents, or 75% with dependents). In cases where benefits are denied, appeal rights are afforded.

Schedule awards can be paid even if an employee returns to work. However, they may not be paid concurrently with wage-loss compensation benefits for the same injury. Should an employee die during the course of an award, his/her dependents are entitled to the balance of the award at the rate of 66 2/3%.

Questions may be addressed to any ICC staff member at (866) 737-9724.

## “It’s Elementary, My Dear Watson” - Injured Employees Must Establish Essential Factors of Claim

Each claim for compensation must meet certain requirements before it can be accepted by the U.S. Department of Labor (DOL). The injured employee bears the burden of proof in establishing these factors:

**Time.** For injuries occurring after September 7, 1974, compensation claims must be filed within three years of the injury or death. Exceptions are adjudicated by DOL on a case-by-case basis.

**Civil Employee.** Claimants must establish that they are considered ‘employees’ within the meaning of the law. The law covers all civilian Federal employees plus certain other groups.

**Fact of Injury.** Employees must establish that the claimed event(s) occurred and that they resulted in a documented medical condition.



**Performance of Duty.** Employees must establish that they were engaged in an activity within the scope of their employment at the time of injury.

**Causal Relationship.** Employees must establish a connection between their employment and the resultant medical condition. This factor is based entirely on the medical evidence submitted by the examining physician.

## The ICC Staff Have Been Asked...

**Q: Are injuries that occur during the course of Agency-sponsored social activities covered under workers’ compensation?**



**A:** The Employees’ Compensation Appeals Board (ECAB) has held that injuries occurring during social activities are compensable when:

1. They occur on the employer’s premises; 2. The employer requires participation; or 3. The employer substantially benefits from the activity. Employees must meet any one of the above criteria to establish a claim. However, any employee wishing to file a claim must be allowed to do so.



**Q: Is a grandchild considered a dependent under workers’ compensation?**

**A:** ECAB has held that a grandchild is NOT considered a dependent and as such, cannot be used as a basis for augmented compensation even if the injured worker has legal custody and provides financial support.

**CONTACTING THE ICC**

Defense Logistics Agency, J-1  
 Injury Compensation Center  
 8725 John J. Kingman Road, STOP 623 I  
 Fort Belvoir, VA 22060-6221

ICC Business Hours: 6:00am—5:30pm (EST)  
 Toll-Free Phone: 1-866-737-9724  
 Phone: (703) 767-7494 or (703) 767-2958  
 DSN 427  
 Fax: (703) 767-7128 or (703) 767-8348 DSN 427

Looking for forms and other general information?  
 Check out our website:  
[www.hr.dla.mil](http://www.hr.dla.mil)



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 six (6) Specialists and three (3) Assistants under the direction of the DLA Injury Compensation Program Manager.

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*"Not everything that can be counted counts, and not everything that counts can be counted."  
 —Albert Einstein (1879-1955)*

**Privacy Act Considerations Require Agency Changes in Records Management**

All workers' compensation claims information is protected under the Privacy Act. The Privacy Act assures an individual's right to confidentiality of personal information and sets forth the government's responsibility to properly maintain and restrict records access. Disclosure of information is generally prohibited without the individual's express written consent, except under the provisions of routine uses.

Because the U. S. Department of Labor (DOL) is the legal guardian of all compensation data, agencies do not have the authority to distribute this information without their approval. Recently, DOL began calling on federal agencies to shore up their efforts in safeguarding the information by en-



suring that it is only released in accordance with DOL's published routine uses and with DOL's interpretation.

What does this mean for the agency?

1. DOL will only distribute compensation data to an agency-designated "office of record." By an Office of the Secretary of Defense regulation, this office must be within the agency's personnel office. The Injury Compensation Center (ICC) is that designated office for DLA.
2. Personally identifiable claimant information cannot be shared with the Agency's safety or occupational health personnel—supervisors and managers are specifically precluded from providing safety offices with injury claims submitted on forms

CA-1 and CA-2 along with completed Mishap Reports. CA-1 and CA-2 forms may only be submitted to the ICC.

3. Personally identifiable claimant information cannot be provided to budget office personnel. ICC staff members are responsible for verifying the accuracy of the Agency's compensation chargeback bill. Bottom line activity cost figures will continue to be provided for bill payment purposes.

The ICC recognizes that these DOL-mandated changes will be significant within the Agency and will require a somewhat difficult readjustment period. The ICC remains committed toward working with all Agency personnel to continue to meet our common goals and objectives.

Additional Agency guidance on this matter is forthcoming from the ICC.