

ICC Insider

Volume 1 Issue 2

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New Information Forthcoming from the ICC:

- Employee and Supervisor Information Pamphlets
- Workers' Compensation Handbook for Supervisors

"Nothing great was ever achieved without enthusiasm."

Ralph Waldo Emerson

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ICC Welcomes New Injury Compensation Program Manager

The DLA Injury Compensation Center (ICC) is pleased to announce the arrival of its new Program Manager, Ms. Donna J. Williams. Ms. Williams comes to DLA from Headquarters U.S. Marine Corps Base (USMC) in Quantico, Virginia, where she was Program Manager for the USMC and Navy Personnel Command (NPC) Non-Appropriated Fund (NAF) Workers' Compensation Programs. She reported to DLA on January 12, 2004, and currently resides in Montclair, Virginia with her three dogs: Annie, Bailey, and Brie.



Ms. Donna J. Williams, New DLA ICC Program Manager

Ms. Williams is a native of California and has over 24 years of Federal service with Headquarters Department of the Army, Headquarters NPC, and Headquarters Marine Corps. A key factor during her tenure with each organization was the implementation of a formal return-to-work program fully supported by top level management on down.

Ms. Williams considers this a priority tasking for her new role with DLA.

"I'd like to turn the philosophy around. Workers' compensation is not a give-away program. Too often, the injured employee is seen as an outcast. The truth is, the Federal workers' compensation program is designed to protect both parties—the Agency and the employee, if handled properly," says Ms. Williams. The best message we can send to all of our employees is that they are a valuable asset to our organization. A formal Agency return-to-work program would effectively transmit that message."

ICC POSTS SUPERVISORY TRAINING MODULE TO WEBSITE

The DLA Injury Compensation Center of the Federal injury compensation program (ICC) is pleased to announce that the DLA Online Human Resources Management Training, Injury Compensation Supervisory Module is now available on our website: <http://www.hr.dla.mil/hroc/bnfts/owcp/owcp.htm>.



This training provides an overview

of the Federal injury compensation program and reminds supervisors of their responsibilities regarding workplace injury/illness claims filed by their employees.

Questions regarding the online training should be directed to an ICC staff member.

“To Controvert...Or Not to Controvert” That is the Question

The Federal Employees Compensation Act (FECA) allows an employee to file a claim for benefits due to an employment-related injury or illness. While most claims tend to be straightforward and legitimate, sometimes there are questionable cases that need extra attention.

Supervisors are responsible for disputing any claim for which there is doubt as to the employee's entitlement of benefits. Such doubt can be generated by credible evidence of fraud, or simply the misjudgment of the employee concerning the job-relatedness of his/her condition among other things. Formally challenging a claim is called “controversion.”

The FECA gives Federal agencies the right to controvert an employee's entire claim, or certain elements of the claim such as entitlement to continuation of pay. Any Agency controversion must be communicated to the employee.

Claims should be controverted whenever: the facts of injury are questionable, the medical evidence does not substantiate claim—diagnosis is not compatible with the injury or injury wasn't caused by employment factors, the injury occurred under suspicious circumstances—such as after the employee had been denied leave, or

when an employee delays reporting the injury.

Properly controverted claims have the potential of garnering significant cost savings to the Agency; whereas, excessive and unfounded controversions will decrease the overall integrity of the Agency and make it more likely that truly challengeable claims will be overlooked by the U.S. Department of Labor.



The ICC reviews all new claims for possible controversion, but encourages any supervisor who receives a questionable claim to contact a Staff member for advice and assistance.

ICC Appears in *DLA Today & Tomorrow*

The DLA Injury Compensation Center (ICC) recently enjoyed its proverbial “15 minutes of fame,” and boy are we proud to talk about it!

A recent article about the ICC ran in the December 23, 2003 issue of *DLA Today & Tomorrow*. Highlights include a Staff picture and a reference to our



toll-free number: (866) 737-9724.

The intent of the article was to publicize the availability of the ICC to employees and supervisors.

Now in its second year of operation, the ICC continues to provide advice and assistance to a full range of customers on all aspects of the workers' compensation program.

Work-related injuries and illnesses are stressful events. The ICC's goal is to facilitate the compensation process for all parties involved. Remember: “If you slip and fall, there's a number you can call.”

For those that missed it, the article can be found at <https://today.dla.mil/headlines/dla/200312/article9943.htm>.

Perry Mason and Compensation Claims—An Overview of Attorneys and Representatives

Injured employees considering retaining the services of Mr. Mason or any of his colleagues should understand that this is solely a matter of personal choice.

The compensation claims process is both informal and non-adversarial, and all decisions are made impar-

tially by the U.S. Department of Labor (DOL). For these reasons, personal representation is not required.

With some restrictions, an employee may designate in writing any one individual as a representative including, but not limited to, attorneys, union representatives, family members, or friends.

Employees are responsible for paying all representation fees, which are not reimbursable by DOL. The fees, with the exception of administrative costs however, are subject to approval by DOL before they can be collected. Mutually agreed upon fees generally will be deemed approved.

“Show Me the Money” - How to File Reimbursement Claims

An employee who has paid monetary expenses out of pocket for treatment or transportation relating to an accepted work injury or illness claim may file a claim for reimbursement with the U.S. Department of Labor (DOL).

You won't need *Jerry Maguire*, but you will need a form CA-915, Claimant Medical Reimbursement Form; or for transportation-related expenses, a form OWCP-957.

Both forms are available on the ICC's website and both include instructions on the type of documentation required to support a claim



for reimbursement. Employees should forward the completed package to the ICC for submission to DOL.

When requesting reimbursement for medical expenses, employees should be aware that DOL pays medical bills based upon a fee schedule of maximum allowable medical charges. Therefore, it is possible that an employee may not be fully reimbursed by DOL.

Whenever the fee schedule prohibits full reimbursement by DOL, the employee will need to work with his or her physician to recover any outstanding amount.

DOL will also pay reimbursement for reasonable transportation expenses incurred by the employee in obtaining medical treatment. Generally, DOL considers a distance of up to 25 miles from the employee's residence or worksite a reasonable distance to travel. Reimbursements are paid based on the standard mileage rate for Government travel.

All claims for reimbursement must be sent to DOL within a year after the end of the calendar year in which the service was provided, or in which the injury/illness claim was first accepted by DOL.

Questions regarding submitting claims for reimbursement may be directed to any ICC Staff member.

Wardrobe Malfunctions and Personal Property Damage Reimbursement Claims Arising from Work-Related Injuries

Let's face it: 'wardrobe malfunctions' don't always happen to celebrities; and they don't usually garner an investigation by the Federal Communications Commission. But, believe it or not, this issue does crop up occasionally in the workers' compensation arena.

An employee who suffers damage to personal property, such as clothing, in connection with a work-related injury can file a claim for reim-

bursment from his/her employer under the Federal Tort Claims Act.

A Standard Form 95, Claim for Damage, Injury, or Death, is generally used for this purpose. Evidence supporting such a claim varies depending on whether the item is repairable or must be replaced. All claims must be filed within 2 years after the claim accrues, and must state a



claim for money damages in a sum certain amount.

So whether the damage inflicted to your personal property occurred due to a third party or other individual or event, take heart. Those favorite pants or that 'to-die-for' blouse may not be lost forever.

Questions may be directed to the ICC or to a local Office of General Counsel.

The ICC Staff Have Been Asked...

Q: Does an employee receiving workers' compensation wage-loss benefits accrue sick or annual leave?



A: No. While in receipt of wage-loss compensation benefits, an employee is carried in a leave without pay (LWOP) status with the Agency. For each pay period in

which the employee accumulates 80 hours of LWOP, no leave is earned. However, an employee working part-time will accrue leave for those hours actually worked. (NOTE: specific guidance regarding coding employee absences due to work-related injury/illness was provided in our November 2003 issue.)

Q: What deductions are made from compensation?



A: The only regular deductions from compensation are for the employee's share of health benefit premiums, for optional life insurance, and post-retirement basic life withholdings if the employee is enrolled in these plans.

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information?

Check out our website:
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.



"Any activity becomes creative when the doer cares about doing it right, or doing it better."

John Updike

FECA vs. OPM

The Federal Benefits Bowl

An employee injured in performance of duty faces not only the physical woes of the injury itself, but can potentially end up a player in the 'Federal Benefits Bowl.'

Injured employees are strongly encouraged to file claims for all benefits to which they may be entitled. This is especially true in situations potentially involving long-term disability.

When approved for more than one type of benefit, employees are given the option of electing between them. Such freedom of choice requires an understanding of the 'teams' involved:

The Federal Employees Compensation Act (FECA) provides wage-loss compensation and medical bill pay-

ment benefits to employees who sustain a work-related injury or illness.

FECA benefits generally look attractive to employees because the dollar amount tends to be higher. However, employees are reminded that their entitlement to FECA benefits

exists only while the effects of a work-related condition continue. FECA is not a retirement program and survivor benefits are only payable if the employee's death is work-related.

The Office of Personnel Management (OPM) provides both regular

and disability retirement annuities. As a true retirement system, OPM benefits are generally available for the long haul. Entitlement to these benefits however, must be preserved by making application to OPM.

The FECA prohibits payment of wage-loss compensation and OPM retirement benefits at the same time. Elections between FECA and OPM benefits are not irrevocable. Individuals may switch between them whenever it is advantageous to do so. Employees should get information on all benefits in order to make an informed choice for their specific situation.

There's no Lombardi Trophy in this game folks, but having a game strategy is essential.

