

ICC Insider

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New Information Forthcoming from the ICC:

- Injury Compensation Handbook
- ICC Pocket Cards



“Man’s mind, once stretched by a new idea, never regains its original dimensions.”

—Oliver Wendell Holmes



Inside this Issue...

Some Information and a Reminder Regarding...	2
Fraud Plea Bargain Sends Former DLA Employee...	2
Suitable Job Offers Play Key Role in Returning Compensation Claimants to Work	2
Worksite Injuries Not Always Covered Under...	3
SHARE Initiative —First Year of Implementation...	3
The ICC Staff Have Been Asked...	3
Just For Fun—Workers’ Compensation Puzzle...	4

DDRT Supervisor Goes the Extra Mile, Uses Pipeline Funds to Create Agency Success Story

Everybody loves a feel-good story. This is one that showcases the outstanding actions of Mr. Walter Buchanan, a supervisor at the Defense Distribution Depot Red River located in Texarkana, Texas. His actions can clearly serve as a role model for the Agency.

Mr. Buchanan had a dilemma: he had an injured employee and a job to do. With mission requirements pressing and reasonable accommodation options running out, he was facing the unpleasant prospect of having to let a seasoned employee go. Then came a conference call with the ICC Staff, where the concept of the “Pipeline Program” was introduced.

Under this program, Mr. Buchanan worked with ICC and the Customer Support Office New Cumberland, Pennsylvania to identify a job suited to his injured worker’s medical restrictions. Funding for this position was secured through the Department of Defense (DOD) Civilian Personnel Management Service. With a positive attitude and flexibility, he was ultimately able to retain a well-trained, experienced employee who will now be able to continue to perform meaningful and valuable work for the Agency. Working with Mr. Buchanan was a true pleasure, and ICC commends him for his exceptional efforts.



Mr. Walter Buchanan is commended for his efforts in returning an injured employee to work

To date, 8 employees have been placed within the Agency, using \$236,918.74 in total Pipeline funds. DLA is setting the standard for the DOD. All Agency supervisors and managers are strongly encouraged to continue to review the labor requirements of their organizations. You could be the Agency’s next success story!

The DLA Criminal Investigations Activity Counters Workers’ Compensation Fraud

The DLA Criminal Investigations Activity (DCIA) has been assisting ICC by providing their services in cases involving suspected fraud. Such services have included claimant surveillance, official records review, and investigatory interviews.



termination, or following disciplinary action. Claimants themselves may exhibit unusual behavior such as being overly pushy during the claims process; they may ‘doctor-shop,’ or they may be unavailable and elusive during supervisor-initiated contact.

Common red flag indicators of fraud include ICC or DCIA directly via the DLA Complaint Line at (703) 767-5447.

Some Information and a Reminder Regarding Medical Travel Reimbursement Claims

An injured employee is entitled to reimbursement of reasonable and necessary expenses, including transportation needed to obtain authorized medical services, appliances, or supplies. To determine what is a reasonable distance to travel, the Office of Workers' Compensation Programs (OWCP) will consider the availability of services, the employee's condition, and the means of transportation.

Generally, 25 miles from the place of injury, the worksite, or the employee's home, is considered a reasonable distance to travel.



Exceptions to this norm are made by OWCP on a case-to-case basis.

An employee wishing to file for reimbursement must complete the Form OWCP-957, Medical Travel Refund Request.

This form may be obtained by accessing the ICC's web site at: <http://www.hr.dla.mil/hr/library/pdf/OWCP-957.pdf>. All original receipts for listed expenses should be attached to the OWCP-957 at the time of submission.

For automobile travel, the employee is reimbursed at the standard mileage rate for Government travel.

Alternatively, the employee should travel by the shortest route and use public transportation unless a taxicab or specially equipped vehicle is needed because of the medical condition.

Employees are responsible for ensuring the accuracy of all expenses claimed. Employees are discouraged from "estimating" travel distances, unless it can be done with reasonable certainty.

Employees are reminded that, as with any claim for benefits, the submission of inaccurate information may constitute fraud, which could subject them to the fullest prosecution under the law.

Fraud Plea Bargain Sends Former DLA Employee to Jail

A 5-year investigation disclosed irrefutable evidence that a former DLA employee had been illegally distributing controlled substance medications obtained as a benefit under the Federal Employees' Compensation Act (FECA). A special team from the base facility conducted the investigation which produced several videotaped undercover purchases of medications including Oxycontin, Percocet, and



Xanax. Additionally, a Federal search warrant executed on the claimant's residence resulted in the seizure of pills and marijuana.

The claimant was charged in a 72-count Federal indictment for FECA Fraud, False Statements, Mail Fraud, Wire Fraud, Conspiracy, and Dealing Drugs. As a plea bargain, the claimant pleaded guilty to 5 counts and was sentenced

in February 2005. The sentence: five 30-month (concurrent) terms in jail without the possibility of parole, 3 years of supervised release at the end of the prison term, and required restitution to DLA of over \$35.7 K.

Upon conviction, all entitlements to FECA compensation and medical benefits were permanently terminated. As a result, DLA was able to recognize annual cost savings of \$20.2 K and a lifetime (age 75) cost savings of over \$788.3 K.

Suitable Job Offers Play Key Role in Returning Compensation Claimants to Work

How can agencies get workers' compensation claimants to return to work? One way is to make a job offer that is medically suited to the worker's physical limitations.

Under the Federal Employees' Compensation Act, a claimant must accept a position offered by the agency that is within any medically-imposed work

restrictions, or provide a valid reason for not doing so. Any claimant who fails to accept a suitable job offer without valid reason is not entitled to continued compensation benefits.

The U.S. Department of Labor retains sole authority to determine job offer suitability and the validity of any reasons given by a claimant in refusal to the offer.

All job offers must ultimately be made in writing and should contain a description of the duties to be performed, the specific physical requirements, the salary and geographical location, the date the job is available, and the date by which a response is required. All agency job offers are initiated by the Injury Compensation Center.

Worksite Injuries Not Automatically Covered Under Federal Employees' Compensation Act

For the most part, employees injured on agency premises during working hours are covered under the Federal Employees' Compensation Act. However, there are certain activities that remove them from the scope of employment.

The following factors can result in a claim being denied:

—**willful misconduct.** This factor may arise when an employee violates a safety rule in a deliberate or intentional manner.

—**intention to bring about injury or death of oneself or another.** When it appears that an employee brought about his/her own injuries or death, or those of

others, intent must normally be established. However, where the factual and medical evidence shows that the employee was not in full possession of his/her faculties, claims may be accepted.

—**intoxication.** The record must show the extent to which the employee was intoxicated and the particular manner in which the intoxication caused the injury. It should be noted that this factor does not provide agency personnel with any additional authority to test employees for drug use beyond what exists under other statutes or regulations.

—**horseplay, skylarking.** Whether horseplay constitutes a

deviation from the course of employment depends on the extent and seriousness of the deviation;

whether it commingled with the performance of duty or involved an abandonment of duty; the extent to which the practice of horseplay had become an accepted part of

the employment; and the extent to which the nature of employment may be expected to include some horseplay.

Claims involving any of these activities should be appropriately documented by the agency at the time of filing. The U.S. Department of Labor reviews all claims and retains final adjudication authority.



SHARE Initiative—First Year of Implementation Yields Mixed Results

The first year of President Bush's Safety Health and Return to Employment Initiative (SHARE) is complete and the results are mixed. Under SHARE, Federal agencies are responsible for meeting the following goals annually through FY 2006:

Reducing total injury case rates by 3 percent; reducing lost time cases by 3 percent; increasing the timely

filing of claims by 5 percent; and reducing the rate of lost production days due to injury by 1 percent.

These four goals are split between the Office of Workers' Compensation Programs (OWCP) and the Occupational Safety and Health Administration (OSHA). OWCP measures timely filing of claims and lost production days. OSHA tracks total injury case rates and lost time cases among agencies.

Collectively, agencies met and exceeded the timeliness goal for filing workers' compensation claim forms by almost 18 percent. However, the lost production day goal was missed by nearly 12 percent.

Notably, the Department of Defense was recognized as a "Gold Star Agency" for meeting its internal goal of fewer than 45 lost production days.



The ICC Staff Have Been Asked...

Q: I was just contacted by someone stating she was my case nurse. What is her role in my injury claim?

A: The nurse is contracted by the U.S. Department of Labor (DOL) to enhance its case management efforts. The nurse facilitates communication with the injured employee, the



treating physician, DOL, and the employer. Nurses help ensure that an injured employee receives proper medical care by attending scheduled medical appointments. They also make contact with the employer and the treating physician to identify light/limited-duty jobs that the employee can perform to



facilitate his or her return to suitable work.

Q: Are employees required to work with their case nurse ?

A: Yes, nurse services are defined by regulation as vocational rehabilitation services. Employees are required to cooperate with efforts to prepare them for suitable work.

