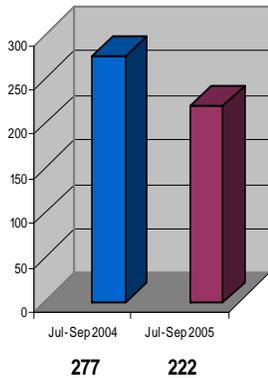


ICC Insider

Volume 3 Issue 1

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New Injury Claims Received by the ICC



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“There are two ways of spreading light; to be the candle or the mirror that reflects it.”

—Edith Wharton

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Estep Becomes New ICC Branch Chief; ICC Also Welcomes Robinson as New Specialist

The DLA Injury Compensation Center (ICC) announces the selection of Ms. Donna Estep to the ICC Branch Chief position. Ms. Estep has been with the ICC since its establishment in 2002, and has been with DLA since 1998. She brings a wealth of workers' compensation knowledge and experience to her new position, along with unparalleled enthusiasm and energy.

In the last 2 years, the ICC has helped the Agency recognize a decrease of over \$2M in its annual compensation chargeback bill. Ms. Estep is confident that the cost savings trend will continue. "I am looking forward to the challenge," she says. "The ICC staff and I remain highly motivated toward this goal. Ultimately though, I believe that a strong partnership between Agency resources will be the catalyst for continued achievement. We all play important roles in the workers' compensation program, both individually and jointly. Together, we have incredible potential."



Ms. Donna Estep (left) is selected as the ICC's new Chief; Ms. Michele Robinson is welcomed as newest injury compensation specialist.

The ICC also recently welcomed Ms. Michele Robinson as its newest injury compensation specialist. Ms. Robinson comes to DLA from the Internal Revenue Service (IRS) Workers' Compensation Center in Richmond, Virginia. Prior to her employment with the IRS, she worked for the Department of the Navy. She has over 18 years of Federal service including 8 years of workers' compensation experience.

DOL Releases New Version of CA-7 Form for Immediate Use

The U.S. Department of Labor recently changed its Form CA-7, Claim for Compensation. Federal employees must submit a CA-7 to claim compensation for work-related injury or illness. The form may also be used to file for leave buyback or a schedule award.



The new version of the form includes a clarification of the type of income an employee is required to disclose, as well

as a clear description of the impact of fraudulent income reporting. The new form also has an additional block which allows the supervisor to record when the CA-7 was received from the employee. This change was made to facilitate the Agency's internal timeliness tracking efforts.

The ICC has posted the new CA-7 form to our website. It can be accessed at <http://www.hr.dla.mil/hr/bnfts/owcp/caforms.htm>

Injured Employees are Obligated to Report Third Party Claim Involvement to DOL

Sometimes the circumstances of a work-related injury places the burden of liability on a party other than the Federal Government. These are known as third party claims.

If an injury or death for which benefits are payable under the Federal Employees' Compensation Act (FECA) is caused, wholly or partially, by someone other than a Federal employee acting within the scope of his or her employment, the claimant can be required, either by the U.S. Department of Labor (DOL) or the Office of the Solicitor of Labor (SOL), to take action against the third party. SOL has the delegated authority to administer the subrogation aspects of certain FECA claims. An

injured employee who refuses to comply with this requirement may forfeit his/her right to all past or future compensation benefits if so determined by DOL.

The injured employee may hire an attorney or present a claim directly to the responsible party or insurance company. Under FECA, the Federal Government is entitled to reimbursement for compensation payments and medical expenses. The process for calculating this entitlement can be found at 20 CFR 10.711. No court, insurer, attorney, or other person may pay or distribute to the beneficiary or a



designee the proceeds of such settlement without first satisfying or assuring satisfaction of the interest of the United States.

The injured worker is required to notify DOL in writing within 30 days of the receipt of money or other property as a result of a settlement or judgment.

A FECA beneficiary is permitted to retain, as a minimum, one-fifth of the net amount of money or property remaining after a reasonable attorney's fee and the costs of litigation have been deducted from the third party recovery.

ICC 'Reaches Out and Touches' Long Term Compensation Recipients

In mid-October 2005, the ICC sent letters to 236 employees currently on the Agency's long-term compensation rolls. The purpose of this correspondence was to request updated medical documentation to determine possible return-to-work and/or vocational rehabilitation prospects.

Employees on the long-term or periodic compensation rolls must

provide medical documentation at least annually to support their continued entitlement to benefits.



DLA is paying nearly \$17M annually in long-term compensation benefits. This is about 66 percent of the total chargeback bill.

The ICC hopes to be able to offer jobs under the Department of

Defense Pipeline Reemployment Program to employees determined to be capable of working. All job offers will be consistent with any medically imposed work restrictions, and will be developed with the assistance of the Agency's Human Resources offices and local management officials.

Similar letters sent out in the past yielded several employable candidates.

Information for Injured Employees: What Does the ICC Do When a New Injury Claim is Received?

The ICC is the Agency's designated office of record for workers' compensation claims paperwork. When the ICC receives a new injury claim, several initial case management steps are taken:

—the claim is submitted electronically to DOL via the Electronic Data Interchange system. DOL receives this

information and sends return electronic notification of the assigned claim number.

—the ICC sends out a 'new injury' letter to the injured employee at his/her home address via regular mail. A courtesy copy of this letter is sent via electronic mail to the employee's supervisor. This letter contains general claims and medical billing information, and provides

important guidance regarding recording injury-related work absences in the Agency's time and attendance system. The letter also provides the name and phone number of an ICC point of contact.

—the ICC will notify the attending physician in writing of the availability of light duty work.

Domestic Violence on Agency Time Does Not Establish A Compensable Injury Claim

Question: Can domestic violence on agency time cause a compensable injury?

Answer: No. The Employees Compensation Appeals Board (ECAB) stated that when animosity or a dispute is brought in from a worker's domestic or private life and is not exacerbated by his/her employment, it does not arise out of employment.

An employing agency is not responsible for all hazards and dangers its employees encounter in public. FECA covers injuries that occur while an employee is in the performance of duty. ECAB has said that performance of duty requires not only that the injury

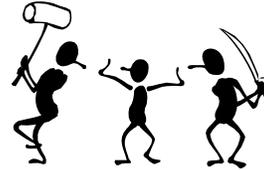
occur when the employee is fulfilling an employment duty or is engaged in something incidental to his/her employment, but also that the injury arise out of the Federal employment.

In *McCrary and U.S. Postal Service, 105 LRP 36574* (ECAB 7/27/05), the case law behind the question posed at the beginning of this article,

the employee—a letter carrier, was delivering her route when an ex-boyfriend attacked her. She filed a workers' compensation claim. The carrier stated that her ex-boyfriend had been hostile toward her since their split several years earlier. On a previous occasion, he came to her workplace and grabbed and choked

her. He also called her at work so frequently that her supervisors recognized his voice. ECAB found that the assault arose out of a prior relationship between the carrier and the assailant and had no connection with her employment or assigned work duties. ECAB further found that while the claimant was engaged in her employment duties at the time of the assault, that was insufficient to establish that her employment caused her injury.

Generally, assaults can arise out of employment if the nature or setting of the work increases the risk of assault or if the assault results from a quarrel related to the work.



Medical Attendants Can Assist Injured Workers With Daily Life Activities

The FECA states that if an injured worker's disability is so severe that he/she cannot care for his/her basic physical needs such as feeding, bathing, or dressing, the services of a home health aide or similarly qualified person may be authorized.

The assistance required must be personal in nature, and is limited to the performance of necessary daily

life activities. An attendant's allowance cannot be paid for house-keeping services or other domestic chores such as cooking, cleaning, doing the laundry, or providing transportation services.



Under FECA, an attendant's allowance of up to \$1,500 per month may be paid as a medical expense. Recognized

medical attendants include a home health aide, licensed practical nurse, or similarly trained individual.

An injured employee who believes that he or she needs such services should make written request to DOL to apply for this benefit. A rationalized medical opinion supporting the need must be provided to substantiate the request.

The ICC Staff Have Been Asked...

Q: I am a long-term compensation recipient. Will my compensation payments ever increase?

A: The FECA provides for increases based on the Consumer Price Index (CPI) to claimants who have been receiving compensation for more than a year. CPI increases apply only if the claimant received compen-



sation prior to March of the previous year.

Q: I still have unpaid medical bills related to my work injury. Is there a certain timeframe for submitting them for payment?

A: To be considered for payment, bills must be submitted by the end of the calendar year after the year when the expense was incurred, or by the end of

the calendar year after the year when DOL first accepted the claim, whichever is later.



Q: Must an employee report volunteer activities?

A: An employee receiving compensation is periodically required to report volunteer (or any) activity which shows that he/she is no longer totally disabled for work.

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 DSN Prefix 427
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 Website: <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.

The American Cancer Society holds the *Great American Smokeout* each November to help smokers quit for at least one day. Some of the benefits of quitting smoking over time:

1. After 20 minutes, blood pressure drops.
2. After 8 hours, carbon monoxide level in the blood drops to normal.
3. After 24 hours, the chance of a heart attack decreases.

Source: U.S. Surgeon General's Report, 1990, American Cancer Society, www.cancer.org



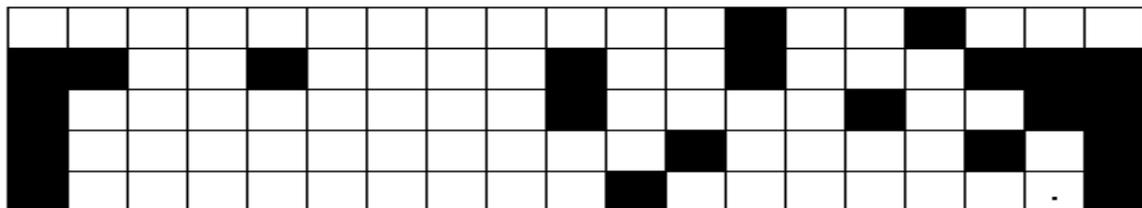
"I'm a great believer in luck, and I find the harder I work the more I have of it." —Thomas Jefferson

Just For Fun—Workers' Compensation Puzzle Offers a Lighter Side of Learning

Everybody loves a puzzle. If you're feeling game, give this one a try. Each letter appears in the same column, but below where it should be. Put the letters back in the grid and rebuild the phrase. The solution is available on our web site:

<http://www.hr.dla.mil/hr/bnfts/owcp/owcp.htm>

Source: Discovery School's Puzzlemaker; www.puzzlemaker.com Create and print customized puzzles using your own word lists.



M P E A T I T
 E I T U M A E I B N Y U H
 O N A L N U I D I O Y W O T E P
 T O S N O C A R C O N L I F R Y A
 C C R N I P Y T T O N I N J H I N A Y