National Aeronautics and
Space Administration

OFFICE OF INFRASTRUCTURE AND ADMINISTRATION
HEADQUARTERS, FACILITIES AND ADMINISTRATIVE SERVICES DIVISION

EMPLOYEES' GUIDE TO WORKERS' COMPENSATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
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WHAT IS THE FECA?

FEDERAL EMPLOYEES' COMPENSATION ACT

Civilian employees of the United States are covered under the Federal Employees' Compensation Act (FECA). The FECA provides compensation benefits to Federal employees for disability due to personal injury or disease sustained while in the performance of duty. The FECA also provides for payment of benefits to dependents if a work-related injury or disease causes an employee's death. This coverage is extended to all civilian employees of the Federal Government and is intended to be remedial in nature. Proceedings under the FECA are nonadversarial.

Benefits under the FECA constitute the sole remedy available to Federal employees against the U.S. Government for work-related injury, illness, or death. A Federal employee or surviving dependent is not entitled to sue the United States or recover damages for such injury or death under any other law.

The FECA is a Federal law administered by the U.S. Department of Labor (DOL), Office of Workers' Compensation Programs (OWCP). All entitlement decisions are made by the U.S. Department of Labor.

The Headquarters Compensation Claims Office serves the injured Headquarters employee by providing the appropriate FECA forms and information regarding entitlement, benefits, and other workers' compensation issues. The Headquarters Compensation Claims Specialist offers guidance and counseling regarding the FECA process to injured Headquarters employees and his/her supervisor. In addition, the specialist acts as liaison between Headquarters and the OWCP, providing assistance in dealing with any problems or miscommunication that may occur.

SIX REQUIREMENTS FOR ENTITLEMENT

REPORTING—Headquarters employees who are injured while in the performance of duty should report his/her injury to the Headquarters Health Unit where they will be examined and, if necessary, treated. Report the injury to his/her supervisor and complete Form CA-1 (Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation). The CA-1 form is available at the Headquarters Health Unit or the Headquarters Compensation Claims Office.

TIME—All compensation cases must satisfy the time requirements of the FECA. A claim for compensation must be filed within three years of the injury or death for traumatic events. If a claim is not filed within three years of the injury or death, compensation may still be allowed if written notice of injury was given within 30 days or the immediate supervisor had actual knowledge of the injury or death within 30 days after occurrence. This knowledge may consist of written records or verbal notification; an entry into an employee's medical record may also satisfy this requirement if it is sufficient to place Headquarters on notice of a possible work-related injury or illness. However, in cases of latent disability, the time for filing claim does not begin to run until the employee becomes aware, or reasonably aware, of a possible relationship between the medical disability and the employment.

CIVIL EMPLOYEE—It must be established that the injured or deceased individual was an employee within the meaning of the law at the time of the event.

FACT OF INJURY—The claim must demonstrate that the employee, in fact, sustained an injury or disease. Two factors are involved in this determination:

1. The employee actually experienced the accident, event, or exposure, and
2. A medical condition is present, which could have resulted from the accident or employment factor.

PERFORMANCE OF DUTY—The claim must establish that the employee was performing assigned duties at the time of injury or was engaged in an activity reasonably incident to the employment.

CAUSAL RELATIONSHIP—Unlike Fact of Injury, which merely determines if a medical condition is present, Causal Relationship requires establishment of a connection between the injury and the medical condition found. This factor is based entirely on medical evidence provided by physicians who have examined and treated the injured individual.

WHAT IS COVERED UNDER THE FECA?

TRAUMATIC INJURY—A traumatic injury is a wound or other condition of the body caused by external force, including stress or strain, and identifiable by time and place of occurrence. A traumatic injury is caused by a specific event or series of events within a single workday or shift.

FORM CA-1 is filed in the event of a traumatic injury.

Notice of Injury Form CA-1—When an employee sustains a traumatic injury in the performance of duty, he/she should file a written report on Form CA-1. The form should be given to his/her supervisor as soon as possible, but not later than 30 days from the date the employee is incapacitated. If the employee is unable to file a written report, another person, including the supervisor, can fill out the employee's portion of the form. The person making the report should complete and sign the form. The supervisor should submit the completed CA-1 to the Headquarters Compensation Specialist within three days after receipt of the form from the employee.

OCCUPATIONAL DISEASE OR ILLNESS—An occupational disease or illness is a condition produced in the work environment over a period longer than one workday or shift. It may result from systemic infection, repeated stress or strain, exposure to toxins, poisons, fumes, or other continuing conditions of the work environment.

FORM CA-2 is filed in the event of an occupational disease or illness.

Notice of Occupational Disease and Claim for Compensation Form CA-2—Headquarters employees must submit a completed CA-2 form to his/her supervisor, within 30 days, but not later than three years after the onset of the condition. The supervisor should submit the completed CA-2 form to the Headquarters Compensation Specialist within three days of receipt of the form from the employee.

RECURRENCE—A recurrence of disability is a spontaneous return or increase of disability due to a previous injury without an intervening cause. A recurrence of a medical condition is defined as a documented need for further medical treatment after release from treatment but with no accompanying work stoppage.

FORM CA-2A is filed in the event of a recurrence.

If a recurrence of disability develops, the Headquarters employee and his/her supervisor should complete Form CA-2a and submit it to the Headquarters Compensation Claims Specialist.

FECA BENEFITS

CONTINUATION OF PAY (COP)—The FECA provides that an employee's regular pay may continue for up to 45 calendar days of disability following a traumatic injury. COP is not provided for occupational disease or illness. Use of COP days must be supported by medical evidence. Medical evidence must be provided within 10 calendar days from the date that the claim is submitted. If the Headquarters Compensation Claims Specialist does not receive the medical evidence to support the injury-related disability within 10 calendar days, COP may be suspended. The counting and calculation of COP days is a complex process that is completed by the Compensation Claims Specialist. Headquarters employees who elect COP for his/her traumatic injury will report COP as COP on his/her time and attendance sheets. If entitlement to COP is denied, the COP will be charged, at the employee's option, to sick or annual leave.

WAGE LOSS—If an employee is disabled for work as a result of the accepted condition for a period that exceeds the 45 days of COP, or is disabled for work as the result of an occupational disease or illness, he/she may claim compensation for wage loss. Wage loss compensation is computed at 66 2/3 percent (single) or 75 percent (with dependents) of basic pay, plus locality pay.

Workers' compensation benefits are tax free.

LEAVE REPURCHASE—The employee may decide to use sick or annual leave during a period of disability from work. If/when the claim is accepted, the employee is eligible to apply for repurchase of this leave. This process is complicated and can be explained by the Compensation Claims Specialist.

SCHEDULE AWARD—Compensation is paid for specified periods of time for the permanent loss or loss of use of certain members and functions of the body. Partial loss or loss of use of these members is compensated on a proportional basis. A list of covered schedule members may be obtained from the Compensation Claims Specialist.

LOSS OF WAGE-EARNING CAPACITY—When the medical evidence shows that the injured employee is no longer totally disabled, but unable to resume his/her date of injury job, the FECA provides that the employee will be compensated for the difference between his/her return to work salary and that which he/she earned at the time of injury.

DISFIGUREMENT—Where the employee suffers injury to the face, head, or neck, and disfigurement results, which is likely to be a handicap in securing or maintaining employment, the FECA may determine an award of compensation.

ATTENDANT'S ALLOWANCE—If an injury is so severe that the employee is unable to care for basic physical needs such as feeding, bathing, or dressing, an attendant's allowance may be paid to a home health aide, licensed practical nurse, or similarly trained individual.

MORE INFORMATION

MEDICAL SERVICES—Under the FECA, an injured employee is entitled to the payment of medical bills incurred for the treatment of any accepted work-related condition. This may include treatment, appliances, and supplies prescribed or recommended by qualified physicians who, in the opinion of the OWCP, are likely to cure, give relief, reduce the degree or period of disability, or aid in lessening the amount of monthly wage-loss compensation.

PHYSICIAN—An injured employee is entitled to the initial choice of physician for the treatment of an injury. He/she may choose any licensed physician in private practice who has not been excluded from payment under the FECA. The term physician includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists, etc. Chiropractic treatment is covered under the FECA only when it involves the manual manipulation of the spine to correct a spinal subluxation which has been demonstrated by x ray to be present, or if a medical doctor has prescribed physical therapy by a chiropractor. Chiropractic treatment must be pre-approved by OWCP.

FEE SCHEDULE—OWCP uses a schedule of maximum allowable medical charges for many procedures. The injured employee is not responsible for any charges that exceed the fee schedule maximum.

REIMBURSEMENT—If any injured employee has incurred out-of-pocket expenses for the treatment of a work-related injury, he/she may make claim for reimbursement to OWCP on Form CA-915. The form is available from the Compensation Claims Specialist.

TRAVEL—Travel to and from medical treatment may be claimed by an employee with an accepted workers' compensation claim. A modified travel reimbursement form is used for this purpose. This form is available from the Compensation Claims Specialist.

REIMBURSEMENT TO HEALTH BENEFITS CARRIER—If a health benefits carrier has paid medical bills for an employee's accepted condition, the carrier may submit the completed, itemized bills directly to OWCP for consideration. The bills may also be forwarded to the Compensation Claims Specialist for submission to OWCP.

TIME LIMITATIONS—Bills must be received by OWCP's district office by the end of the calendar year of the date of service or by the date the claim was accepted, whichever is later.

OWCP NURSE INTERVENTION SERVICES—Depending on the type and/or severity of injury sustained by the Federal employee, OWCP may assign a registered nurse to contact the employee concerning his/her recovery and return to work. The nurse may contact the employee by phone or visit the employee. The nurse will discuss medical progress with the employee and address any problems experienced concerning the return to work. If necessary, the nurse will coordinate with other OWCP personnel, the employee's physician, and NASA Headquarters. OWCP may terminate continuation of pay or compensation benefits if the employee fails to cooperate with the nurse.

FOR INJURED EMPLOYEES

VOCATIONAL REHABILITATION—Employees who are disabled from their regular work are expected to return to suitable light or limited duty employment as identified by NASA Headquarters. If such work is not available, OWCP provides nurse and vocational rehabilitation services to help employees return to work. Injured employees are required to advise his/her supervisor and the Headquarters Compensation Claims Specialist when they are no longer totally disabled.

If OWCP determines that the employee is indefinitely disabled for his/her regular job and NASA Headquarters cannot provide light duty work to accommodate the medical restrictions, a vocational rehabilitation counselor under contract to OWCP will be assigned to the employee. The counselor will provide services such as counseling and

guidance, vocational testing, training programs, and placement assistance to help the employee return to gainful employment either within the Government or in the private sector. Employees are expected to cooperate with vocational rehabilitation efforts, and the FECA imposes sanctions for those who do not cooperate.

An employee who refuses to participate in a vocational rehabilitation program is subject to reduction or termination of workers' compensation benefits.

DEATH BENEFITS—The survivors of a Federal employee whose death is work-related are entitled to benefits in the form of compensation payments, funeral expenses, transportation expenses for the remains, if necessary, and payment for termination of the deceased's status as a Federal employee.

Entitlement: The following individuals are entitled to compensation as survivors of a Federal employee whose death is related to his/her employment:

1. Widow or widower;
2. An unmarried child under the age of 18 or over the age of 18 who is incapable of self-support due to a mental or physical disability;
3. A child between 18 and 23 years of age who has not completed four years of post-high school education and is regularly pursuing a full-time course of study; or
4. A parent, brother, sister, grandparent, or grandchild who was wholly or partially dependent on the deceased.

Funeral and Burial Expenses: Up to $800 will be paid for funeral and burial expenses. If the employee dies away from his/her area of residence, the cost of transporting the body to the place of burial or cremation will be paid in full. In addition, a $200 allowance will be paid in consideration of the expense of terminating the deceased's status as a Federal employee.

THE EMPLOYEE'S RIGHTS AND RESPONSIBILITIES

- **Report work-related injury or illness as soon as possible.**
- Ensure that the supervisor completes his/her portion of the appropriate claim form.
- Submit completed claim forms to the Compensation Claims Specialist within three days of the date of injury.
- Provide evidence to support the claim in a timely manner to the Compensation Claims Specialist.
- **Immediately report all changes in medical status to his/her supervisor!** When medical evidence shows that total disability has ended, OWCP requires that the injured employee seek work. Headquarters is generally able to provide light or limited duty that will accommodate employees' medical restrictions. If Headquarters is unable to

provide a position within the restrictions, OWCP will place the employee in a vocational rehabilitation program.

- **Return to work as soon as the effects of the injury or illness have resolved.**

RETENTION RIGHTS

Under 5 U.S.C. 8151, an employee who recovers within one year of starting compensation has mandatory rights to his/her old position or its equivalent, regardless of whether he/she is still on the Agency rolls. If full recovery occurs after one year, or if the employee is considered partially recovered, he/she is entitled to priority consideration, as long as application is made within 30 days of the date compensation ceases. The regulations on retention rights are administered by OPM not OWCP.

Any period of time during which an employee receives compensation from OWCP is credited to the employee for the purposes of determining rights and benefits based on length of service, including eligibility for retirement.

PENALTY

Any person who knowingly makes any false statement, misrepresentation, concealment of fact, or any other act of fraud to obtain compensation as provided by the Federal Employees' Compensation Act, or who knowingly accepts compensation to which he/she is not entitled, is subject to felony criminal prosecution and may, under appropriate U.S. criminal code provisions, be punished by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

FOR YOUR INFORMATION

The Federal Employees' Compensation Act is subject to change by Act of Congress. The information provided in this booklet reflects current FECA law, regulation, and procedure.

Further information on the FECA program is available on the DOL Web site at: *http://www.dol.gov/esa/regs/compliance/owcp/fecacont.htm*

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