

Federal Employees Compensation Act

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Unfortunately letter carriers are injured on the job everyday. While measures should be taken every minute to lessen the number of injuries, nevertheless, injuries still occur at some rate. There are 230,000 of us on the street everyday and the job is physically demanding as well as filled with many unknown hazards and dangers. Injuries are bound to happen, and it is important to obtain the right information to handle the ins and outs of the injury compensation process.

The law enacted to protect the injured federal worker is titled the Federal Employees Compensation Act. It not only covers letter carriers and other postal employees, it covers all federal employees across the country. The FECA's main task, through the Office of Worker's Compensation Programs (OWCP), is to facilitate the deciding process in regard to matters with on-the-job injuries. Simply put, this department must decide three basic elements; whether the injury is job-related, how much and if compensation should be paid, and if a job offer is medically suited to the injured worker.

This whole process is intended to protect the injured employee by providing an income when suffering from a job-related injury. Although the law itself places the burden of proof of the injury on the worker to prove the injury is job-related, the claim process should be efficient enough to provide fair decisions.

Mistakes within the handling of claims, unhappily, leads to delays and sometimes life altering situations for letter carriers denied their rights and justice under the compensation act.

Frequently we have seen errors by the injury compensation department at the district level; in handling correspondence between their office and any other party other than the claimant. The district injury compensation department's job is to controvert claims when they see fit. This does not sound good, and usually it isn't for the injured letter carrier, but this department is authorized by OWCP regulation to do this when they see a necessity. They also can challenge any of the facts regarding the injury that has been reported.

However, certain rules must be followed when these measures are taken by the injury compensation department. More importantly, the FECA law must be adhered to or these violations become grievable. These violations can cause many hardships for the claimant while time goes by without knowing what is going on with the processing of their claim. The claimant must be knowledgeable about all phases of the communications between the doctor, the claims examiner, the supervisor, the district injury compensation department or any other party involved with the reported injury.

OWCP will send a letter to the claimant listing all of the information submitted with the compensation claim form. Sometimes, this letter arrives over a month after the date of injury. On this list of information is a supervisor statement or even a statement from the postmaster, even though the injured letter carrier has never seen any of these documents in the file. Again, we must emphasize that these are mistakes that violate the federal law as well as Postal regulations and the National Agreement.

When the claim is controverted (usually by the injury compensation department), OWCP requires that this information also be given to the claimant. Postal regulations require the employee to get written notification of the controversion or challenge of their claim.

Despite these rules and regulations, management and district often fail to notify the letter carrier of their negative input in the processing of the claim. If the injured letter carrier does not know of the information in their file, this can work to their disadvantage when waiting for the timely processing of their compensation benefit, and sometimes this is very detrimental in the long run.

Management must inform the employee of any decision to controvert and show a basis for doing this; this is cited in federal regulation: 20 CFR 10.211(c).

Injury compensation office (control point) must advise the employee whether COP will be controverted and whether pay will be interrupted, this is cited in: ELM 544.12.

Controversion and challenge is defined in: ELM 545.731 and EL-505 appendix C. To notify the injured letter carrier in writing of a controversion or challenge by management is cited in: EL-505 section 8.15.

The timely knowledge of any challenge or controversion to your claim is essential to your rights as an injured worker. Do not neglect the process, stay in contact with your office, the injury compensation department at the district and your claims examiner.

Article courtesy of *Front Lines*— July 2006