

## Frequently Asked Questions

**1. What is a lost time injury?**

The term “lost time injury” means a non-fatal injury that causes any loss of time from work.

**2. What is Continuation of Pay (COP) and when does it begin and end? If COP has already been paid to an employee and later the Office of Workers’ Compensation Programs (OWCP) denies the claim, what becomes of the COP that has been paid?**

COP is the continuation of an employee’s regular pay by the Agency with no charge to sick or annual leave. Form CA-1 is designed for this purpose and there is no provision for COP in Occupational Disease Claims, Form CA-2. The Federal Employees’ Compensation Act (FECA) provides that an employee’s regular pay may continue for up to 45 calendar days of wage loss due to disability and/or medical treatment after a traumatic injury. Because COP is not considered compensation, it is subject to the usual deductions from pay such as income tax and retirement allotments. The period to be charged to COP begins with the first day or shift of disability or medical treatment following the date of injury, provided that the absence began within 45 days after the injury. Since COP is charged by calendar days, it includes weekends and holidays if the medical evidence shows the employee was disabled.

When OWCP denies a traumatic injury claim, the COP that had been paid must be corrected by the employee’s timekeeper. For example: An employee was paid 80 hours of COP; later the claim was denied. The 80 hours of COP must be charged to the employee’s sick leave, annual leave or LWOP.

**3. What is the definition of physician under the FECA?**

The term “physician” includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists. Chiropractors, nurse practitioners, physician assistants, faith healers, and other practitioners of the healing arts are not recognized as physicians within the meaning of the law.

**4. Is it necessary to report a minor injury which occurs at work, like a scratched finger or bumped knee?**

Yes, all injuries should be reported. Many times what we may consider to be a minor injury can develop into a serious complicated condition. For the employee’s protection, he or she should file a report of the injury and advise the immediate supervisor when it occurs.

**5. Are the services rendered by a chiropractor reimbursable under the FECA?**

Under the FECA, the services of chiropractors may be reimbursed only for treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated to exist by x-ray. The term “subluxation” is defined as an incomplete dislocation, off-centering, misalignment, fixation or abnormal spacing of the vertebrae anatomically which must be demonstrated on an x-ray film to individuals trained in the reading of x-rays, The costs of physical and related laboratory tests performed by or required by a chiropractor to diagnose a spinal subluxation are payable.

**6. Will OWCP pay the entire amount of the medical bill or is there a limit?**

OWCP pays a schedule of maximum allowable medical charges. The employee is not responsible for amounts charged in excess of the maximum allowable charges.

**7. What happens if the injured employee’s disability goes beyond the 45-day period?**

If an employee elects not to use his/her own leave and it appears that the disability will continue beyond 45 days, the employee and the employing agency should complete Form CA-7, “Claim for Compensation” and submit it on the 40<sup>th</sup> day of COP to the Workers’ Compensation Program Unit.

**8. Is the injured employee always entitled to the full 45 days?**

No. If the employee’s medical report indicates that the employee is capable of returning to duty, the employee must do so in order for pay to continue. If the physician’s report indicates light duty, the employee is required to accept any reasonable offer of suitable light or limited duty. If the employee refuses to accept the work offered or fails to respond to the job offer within five working days, the employing agency should terminate COP. OWCP will then resolve the dispute on the basis of the evidence submitted.

**9. Can the injured employee choose the physician who will provide treatment?**

An employee is entitled to the initial choice of physician for treatment of an injury. He or she may choose any licensed physician in private practice who is not excluded. Agency personnel may not interfere with the employee’s right to choose a physician.

**10. Can the employee change from one physician to another?**

Any changes in treating physicians must be authorized by the OWCP, except for a referral made by the attending physician. Otherwise, OWCP will not pay for the treatment. The employee must request any such change in writing and explain the reasons for the request.

**11. Does the employee have to report for a medical examination when directed by the OWCP?**

Yes. The employee is required to submit to examination by a physician when so requested by the OWCP. Failure to do so without adequate reason may result in suspension of compensation or denial of the claim.

**12. What is the procedure if an employee is receiving monetary compensation from the OWCP and has to relocate to another state?**

The injured employee must advise the responsible claims examiner in writing of the new address.

**13. What type of benefits can I apply for if I am still disabled and not eligible for COP?**

You may request sick or annual leave and stay in a pay status with the AOC; or you may request leave without pay (LWOP) and apply for workers' compensation benefits with the OWCP.

**14. May I use annual or sick leave instead of requesting LWOP and applying for workers' compensation benefits?**

Yes. You can use either sick or annual leave in connection with the absence required by your job-related injury. If you don't have leave, you may contact the Employee Relations Branch to find out what additional type of leave programs are available, i.e., requesting advanced sick leave. They can be reached at 202.226.0750.

**15. If I elect to use annual or sick leave, is there any method by which the leave can later be restored?**

If you use your annual or sick leave you may request to have the annual or sick leave restored through a "Leave Buy-Back" process. The leave can be purchased if the following conditions exist: (a) the OWCP has accepted your injury as work-related and has approved your claim for compensation benefits; (b) the AOC agrees to your leave buy-back request; and (c) the sick and annual leave you used in connection with your disability is supported by medical evidence (OWCP's reimbursement will be to the Agency). The balance must be paid by the employee for restoration of the leave. The OWCP will pay two-thirds or three-fourths of the pay rate. The AOC will then restore the leave to your leave account. However, there is a one year limitation from the date of use to have the leave restored. To buy-back leave it must be either from the date of use or from the date the Department of Labor accepted the claim. All buy-back claims will be reviewed on a case-by-case basis.

**16. Why can't I use annual or sick leave and receive compensation benefits through the OWCP at the same time?**

Federal law prohibits employees from receiving payment from two different agencies for the same period of time. In order to receive compensation from the OWCP, you may not receive pay from the AOC.

**17. How will my use of LWOP affect my creditable Federal service?**

The period you are on LWOP with the AOC and receiving compensation from the OWCP is considered creditable service for such benefits as leave accrual, within-grade increases and Service Computation Date (SCD).

**18. What impact will use of LWOP have on my within-grade increase due date?**

None. By law, you may not be penalized from receiving a within-grade increase, nor may the date on which the within-grade increase becomes effective be delayed as a result of use of LWOP while in receipt of workers' compensation benefits from the OWCP. Therefore, your within-grade increase will become effective on the date it is due.

**19. What impact will LWOP have on my (a) retirement coverage, (b) retirement deductions, and (c) annuity computation at the time of retirement?**

You will get full service credit for all the time you are in an LWOP status with the AOC and in receipt of compensation payments with OWCP. You will: (a) remain covered by the retirement system during the period of LWOP; (b) no retirement deductions will be made while you are in a LWOP status; and (c) at the time of retirement, all LWOP will be treated as though the deductions were paid in and used in computing your annuity. If you remain disabled for one full year, and action is taken to terminate your employment, you will no longer be entitled to receive credit towards your retirement.

**20. Does the employing agency have the authority to approve or disallow a claim?**

No. Only the OWCP has the authority to adjudicate a claim for compensation. While the Employing agency has a role in paying or withholding COP, this action is reviewed in every case by the OWCP.

**21. What is the penalty for filing a false claim?**

If found guilty, a person can be fined up to \$10,000 or imprisoned up to five years, or both. A person found guilty of conspiracy to commit fraud is subject to a fine of up to \$10,000 and up to ten years imprisonment, or both.

**22. Are deductions made from compensation for health benefits covered?**

Yes. A claimant who is already enrolled in a health benefits program is entitled to continued coverage during a LWOP status. The claimant's enrollment continues when compensation begins, so long as the claimant was enrolled in a Federal Employee's Health Benefits (FEHB) plan at the time of the injury. In order to maintain the coverage, the claimant must be receiving compensation through daily or periodic roll payments for disability.

**23. May an employee change health benefit plans at any time?**

An employee may reduce his/her coverage at any time within the same plan, or may change options within the same plan at any time if marital or family status changes. However, changing from one plan to another is possible only during Open Season, which is held once a year, usually in November. Individuals receiving compensation payments receive notification of Open Season and instructions for reporting changes.

**24. What happens if an injured employee cancels health benefits while receiving compensation? Is it possible to re-enroll?**

If the injured employee cancels his/her health benefits while receiving compensation, there is no entitlement to re-enroll until Open Season, or re-employment with another Federal agency.

**25. Are deductions made from compensation for basic Government life insurance?**

Yes. Premiums for basic life insurance are withheld for all cases on the periodic roll where the date of injury is January 1, 1990, or later. The election of post-retirement basic life insurance at the time of retirement determines the rate at which the basic life insurance will decline after age 65. The OWCP is responsible for deducting premiums for post-retirement basic life insurance when told to do so by the Office of Personnel Management (OPM).

**26. Are deductions made for optional life insurance coverage?**

Yes, if Optional Life Insurance (OLI) benefits were being deducted from regular pay prior to injury.

**27. Who should be contacted concerning specific questions regarding payment of benefits for regular or optional life insurance?**

Employees should contact the Office of Personnel Management at 1900 E Street, NW, Washington, D.C. 20415.

**28. If an employee is seriously injured at work and cannot work at all, should he or she file for workers' compensation or apply for retirement benefits?**

The employee should file for benefits to which he or she may be entitled. If more than one type of benefit is granted, the employee will need to elect the one which is more advantageous.

**29. Must an employee who elects retirement benefits from the OPM pay for medical treatment which may be required as a result of work-related injury?**

No. The OWCP will continue to pay the cost of all medical treatment required for the injury even though the employee elects retirement benefits from the OPM.