



UNITED STATES MARINE CORPS
MARINE CORPS RECRUIT DEPOT
SAN DIEGO, CALIFORNIA 92140

DepO 12810.3

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27 MAR 1981

DEPOT ORDER 12810.3

From: Commanding General
To: Distribution List

Subj: Federal Employees' Compensation Program

Ref: (a) FRM 810
(b) FPM 353

Encl: (1) Compensation Program Responsibilities and Procedures

1. Purpose. To promulgate the procedures for implementation of the Federal Employees' Compensation Act (FECA) applicable to civil service employees as set forth in reference (a).

2. Background. The Federal Employees' Compensation Act as amended provides a system of workmen's compensation for civilian personnel in the service of the United States who suffer injury, occupational disease, or death in the performance of duty. A Federal employee who is injured while in the performance of duty has no right to recover damages from the United States for the effects of the injury except through the FECA. The benefits provided by the Act constitute the exclusive remedy for work-related injuries or deaths.

3. Penalties. Any person who makes a false statement to obtain Federal Employees' Compensation or who accepts compensation payments to which he or she is not entitled is subject to a fine of no more than \$2,000 or imprisonment for no more than one year, or both. Any person charged with the responsibility for making reports in connection with an injury who willfully fails, neglects, or refuses to do so; knowingly files a false report; induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury, is subject to a fine of no more than \$500 or imprisonment for no more than one year, or both.

4. Time Requirements

a. Notice of Injury. An employee is required to give his or her supervisor written notice of injury within 30 days after injury in the performance of duty. To avoid delay in processing and possible loss of benefits the employee or someone acting in his or her behalf should make written report of the injury on Form CA-1, Federal Employees Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, within two working days following

the injury. Compensation may be denied if notice of injury is not given within 30 days, or if the supervisor does not have actual knowledge of the injury.

b. Claim for Compensation

(1) Claim for Disability Compensation. An injured employee is required to file a written claim for compensation within three years after the injury. If, however, the supervisor had actual knowledge of the injury within 30 days, or if written notice was given within 30 days, compensation is allowed regardless of whether a written claim was made within three years after the injury. Actual knowledge must be such to put the supervisor reasonably on notice of an on-the-job injury or death.

(2) Claim for Death Benefits. If the employee dies, a written claim for compensation by or on behalf of the dependent(s) is required before compensation may be paid. This claim is to be filed within three years after the death, unless within 30 days the supervisor had actual knowledge of the death, or written notice was given to the supervisor within 30 days. Also, the timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury.

c. Exceptions to Time Limitations. The time limitations outlined in subparagraphs a and b above do not apply to:

(1) A minor until attaining the age of 21 or a legal representative is appointed.

(2) An incompetent during the period of incompetency and there is no duly appointed representative.

(3) A person whose failure to comply is excused on the ground that the notice could not be given because of exceptional circumstances.

5. Definitions and Explanation of Terms

a. Traumatic injury is defined as a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time and place of occurrence and member or function of the body affected; and be caused by a specific event or incident or series of events or incidents within a single day or work shift. Traumatic injuries also include damage or destruction of prosthetic devices or appliances, exclusive of eyeglasses and hearing aids unless the eyeglasses and hearing aids were damaged incidental to a personal injury requiring medical services.

b. Occupational diseases or illnesses are produced by systemic infections; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc., or other continued and repeated exposure to conditions of the work environment over a longer period of time.

c. Continuation of Pay (COP) is regular pay authorized for an employee who sustains a disabling, traumatic work injury. Continuation of pay may be

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paid an employee for a period of up to 45 calendar days of medically demonstrated disability.

d. Duly Qualified Local Physician. The term includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners. However, reimbursable services of a chiropractor are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist. The term does not include medical care rendered by any other than the type of practitioners listed above. The word "local" generally means within 25 miles from the place of injury, the employee's place of work, or the employee's home.

6. Responsibilities

a. The Office of Workers' Compensation Programs (OWCP), Employment Standards Administration, U. S. Department of Labor is responsible for the administration of the FECA. The OWCP district offices normally adjudicate the claims arising within their respective areas of jurisdiction. The adjudication and payment of claims arising in this geographical area are directed to the field office at 450 Golden Gate Avenue, San Francisco, California 94102.

b. The Civilian Personnel Director is assigned the responsibility for processing compensation claims for personnel of the Marine Corps Recruit Depot. This includes the receiving of all reports on employee injuries incurred while performing duties, promptly submitting reports to OWCP, and following up and submitting all subsequent reports. The Civilian Personnel Director will maintain the necessary files relating to claims and provide assistance to employees and management in the processing of claims. Inquiries pertaining to employee coverage, eligibility and processing claims should be directed to the Employee Relations Specialist, Civilian Personnel Office, extension 3462.

c. Responsibilities and procedures to be followed in connection with injuries are outlined in enclosure (1).

7. Benefits

a. Medical Care. An employee injured on the job is entitled to first aid and medical care for an injury, to include hospital care when needed. The medical care is to be provided by any duly qualified local physician or hospital of the employee's choice, if the employee does not desire to be treated by the Naval Regional Medical Center Branch Clinic. When travel is necessary to receive medical care, the injured employee may be furnished transportation and may be reimbursed for travel and incidental expenses.

b. Continuation of Pay - Traumatic Injury

(1) An employee who sustains a disabling job-related traumatic injury is entitled to continuation of regular pay for 45 calendar days. The injured employee's pay must continue unless the claim falls into one of the categories listed below. In all other cases, the claim may be controverted, however, the

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employee's regular pay will not be interrupted during the 45-day period unless the controversion is sustained by the OWCP.

(a) The disability is a result of an occupational disease or illness; or

(b) The employee is one who renders personal services similar to regular employees but who works without pay or for only nominal pay. These persons generally are not carried in a regular, continuing pay status and frequently serve as consultants, volunteers or contract employees; or

(c) The employee is neither a citizen nor resident of the United States or Canada; or

(d) The injury occurred off the employing agency's premises and the employee was not involved in official "off premise" duties; or

(e) The injury was caused by the employee's willful misconduct; the employee intended to bring about the injury or death of himself, herself, or another person; or the employee's intoxication was the proximate cause of the injury; or

(f) The injury was not reported on Form CA-1, within 30 days following the injury; or

(g) Work stoppage first occurred six months or more following the injury; or

(h) The employee initially reports the injury after his or her employment has terminated; or

(i) The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work Study Programs or other similar groups.

(2) Continuation of pay is subject to income tax, retirement, and other deductions. It should be noted that any other benefit (including medical care) is considered as compensation. The 45 days are interpreted as calendar days and if the employee has stopped work because of the disabling effects of the injury (with medical evidence) the 45 days begin the day or shift following the injury date. The employee will remain in a pay status for any fraction of a day or shift on which the disability begins with no charge to either leave or the 45 day continuation of pay period.

(3) When pay is continued after the employee stops work because of disabling injury, it must not be interrupted until:

(a) Receipt of medical information from the attending physician to the effect that the employee is no longer disabled and the employee is able to return to duty; or

(b) Receipt of notification from OWCP that pay should be terminated;
or

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(c) The expiration of the 45 calendar days.

(4) The Civilian Personnel Director is responsible for the processing and submission to the OWCP controversion of pay requests.

c. Compensation. Compensation based on loss of wages is payable, subject to three waiting days, after the 45th days in traumatic injuries or from the beginning of pay loss in all other types of injuries.

(1) When an injured employee loses pay due to temporary total disability resulting from an injury, compensation is payable at the rate of 66 2/3 percent of the employee's pay rate. The compensation rate is increased to 75 percent when there are one or more dependents. Dependents include a wife or husband; an unmarried child under 18 years of age or if over 18, incapable of self-support, or a student (until reaching 23 years of age or completing four years of school beyond high school level); or a wholly dependent parent. Compensation begins when the employee starts to lose pay if the injury causes permanent disability or if there is pay loss for more than 14 days; otherwise compensation begins on the fourth day after pay stops.

(2) Compensation may not be paid while an injured employee receives pay for leave. The employee has the right to elect whether to receive pay for leave or to receive compensation.

(3) When the services of an attendant are needed constantly because of the disability, employees may receive additional compensation, not to exceed \$500 per month. If an employee is enrolled in a health benefit plan or has an optional group life insurance plan in effect on the date of injury, deductions will be made by OWCP from compensation payments due the employee. No other deductions will be made. In cases of permanent total disability, an injured employee is entitled to compensation until death unless the employee is medically or vocationally rehabilitated. An injured employee may receive compensation computed on loss of wage-earning capacity when unable to return to his usual employment because of partial disability as a result of the injury. The compensation will be paid as long as there is a loss of wage earnings.

d. Buy-back of Leave. An employee may elect to take sick or annual leave, or both, to avoid possible interruption of income. If the employee uses leave and the claim for compensation is later approved, he or she may arrange with the Civilian Payroll Section to buy back the leave used and have it reinstated to the employee's account. The amount of compensation approved would pay a part of the buy-back cost and the employee would have to pay the balance. The amount the employee will be required to pay will depend on several factors such as the length of disability and the amount of Federal Income Tax which is withheld from leave pay. The employee will be required to pay back the gross value of the leave, not the net amount received. No compensation payments may be paid while the employee is in a leave status. The Civilian Payroll Section will arrange to have compensation paid directly to them for the part of the buy-back cost covered.

e. Loss of Wage-earning Capacity. An injured employee may receive com-

pensation computed on loss of wage-earning capacity when unable to return to usual employment because of partial disability as a result of the injury. The compensation will equal 66 2/3 percent of the employee's loss; it will equal 75 percent of the loss when there is a dependent. The compensation will be paid so long as there is a loss of wage-earning capacity.

f. Scheduled Awards. Compensation is provided for specified periods of time for the permanent loss, or loss of use, of each of certain members, organs, and functions of the body. Compensation for proportionate periods of time is payable for partial loss, or loss of use of each member, organ, or function. The compensation for scheduled awards will equal 66 2/3 of the employee's pay, and 75 percent of his pay when there is a dependent. Proper and equitable compensation, not to exceed \$3,500, may be paid for serious disfigurement of the face, head, or neck, if of a character likely to handicap a person in securing or maintaining employment. Compensation for loss of wage-earning capacity may be paid after the schedule expires. A scheduled award may be paid concurrently with other pay.

g. Dual Benefits. As a general rule, a person may not concurrently receive compensation from OWCP and a retirement or survivor annuity from the Office of Personnel Management. Such person may elect to receive the more advantageous benefits. An employee may receive compensation concurrently with military retired pay, retirement pay, retainer pay or equivalent pay for service in the armed forces or other uniformed services, subject to the reduction of such pay in accordance with Federal Law (5 U.S.C. 5532(b)).

h. Death Benefits

(1) A sum, not to exceed \$800, may be paid for funeral and burial expenses. An additional sum of \$200 is paid to the personal representative of the decedent for reimbursement of the costs of termination of the decedent's status as an employee of the United States.

(2) When there are no children entitled to compensation, the employee's widow or widower may receive compensation equal to 50 percent of the employee's pay until death or remarriage. Upon remarriage, a widow or widower will be paid a lump sum equal to 24 times the monthly compensation being paid on his or her behalf, except that if such remarriage occurs on or after the age of 60, the lump sum payment will not be made and compensation will continue until the beneficiary's death.

(3) When there is a child entitled to compensation, the compensation for the widow or widower will equal 45 percent of the employee's pay plus 15 percent for each child, but no more than 75 percent of the employee's pay. A child is entitled to compensation until he or she dies, marries, or reaches 18 years of age, or, if over 18 and incapable of self-support, becomes capable of self-support. If an unmarried child is a student when reaching 18 years of age, compensation may be continued. It may not, however, be continued beyond the end of the semester or enrollment period after the child reaches 23 years of age, has completed four years of school beyond the high school level, or marries.

8. Restoration Rights. A fully recovered employee or former employee is entitled to immediate and unconditional restoration without time limit to the

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position left or an equivalent one. Additionally, every effort will be made to restore a partially recovered employee or former employee without time limit, according to the circumstances in each case, who is able to return to limited duty. Procedures and regulations governing restoration are contained in reference (b).

9. Limited Duty Work Assignments

a. In an effort to utilize the services of employees who are not totally disabled, management will ensure placement of employees determined medically to be capable of performing in a limited duty status for a reasonable time, normally not to exceed 30 days. Each case will be considered on an individual basis. Employees placed in a limited duty status will be provided duties available in the division to which assigned. If the employee cannot be effectively utilized within his permanent work division, the division head will make arrangements to detail the employee to another organizational entity aboard the Depot where his services can be utilized. It is anticipated that this method of assignment will have some positive effects on the Marine Corps Recruit Depot, such as:

- (1) Reducing 45 day continuation of pay cases.
- (2) Better use of available manpower.
- (3) Lowering the Depot lost time accident rate.
- (4) Improving the overall Depot morale.

b. If after 30 days there has been no change in the employee's physical limitations, the case will be reevaluated to determine if continued limited duty work can be provided or whether continuation of pay would be more advantageous to the Depot.

10. Representation. A claimant may be represented by a person of his or her choice on any matter pertaining to an injury or death occurring in performance of duty. This representation should be authorized in writing by the claimant. No claim for legal services or for other services rendered in a case, claim, or award of compensation shall be valid unless approved by OWCP.

11. Hearing. A claimant who is not satisfied with an OWCP decision may ask for a hearing before an OWCP representative. The request for a hearing must be made to the Director of OWCP within 30 days after the decision. At the hearing, which will be held at a location convenient to both the claimant and OWCP, the claimant may present evidence in further support of the claim. After the hearing, OWCP will issue a new decision.

12. Reconsideration. A claimant may ask OWCP to reconsider any determination made by one of its offices. No special form is required to request this reconsideration, but the request must be addressed to the Director of OWCP in writing and must state clearly the ground upon which it is based. It must also be accompanied by evidence not previously submitted, such as new medical reports or new statements and affidavits. There is no time limitation within

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which a request for reconsideration must be filed.

13. Appeals. A claimant may ask the Employees' Compensation Appeals Board to review final decisions by OWCP. To file an appeal the claimant should write to the Employees' Compensation Appeals Board, U. S. Department of Labor, Washington, D. C. 20210. The review is based solely upon the case record in OWCP at the time the final determination was made. New evidence is neither received nor considered by the Board. Applications for review by the Board must be filed within 90 days of the date of the final determination by OWCP.

14. Action. Addressees shall insure that the guidance provided in this Order is complied with when an on-the-job injury has occurred.


J. W. ABRAHAM
Chief of Staff

DISTRIBUTION: VII

COMPENSATION PROGRAM RESPONSIBILITIES AND PROCEDURES

EMPLOYEE

SUPERVISOR

CIVILIAN PERSONNEL OFFICE

I. Traumatic Injury

Upon being injured:

Immediately report each injury to immediate supervisor.

Whenever an employee suffers an injury on the job, no matter how slight, it is the immediate and primary duty of the supervisor to assure that the employee receives adequate medical treatment. The employee has the right to choose whether to be treated at the Branch Clinic or by a private physician or hospital.

Securing Medical Treatment:

Make a choice to be treated by a Federal Medical Officer or by a duly qualified physician or hospital in the commuting area. Once this choice has been made (with the exception of initial first aid treatment at the Branch Clinic), written approval must be obtained from OWCP before a change of physicians may be made.

If employee elects treatment at the Branch Clinic, authorize examination and appropriate medical care by issuance of NAVSO 5100/9, Dispensary Permit.

NOTE: In an emergency situation, the nearest qualified physician or hospital may be utilized. If further treatment is needed, the option exists to be treated by a private physician. (Referral to another physician or hospital by a physician or hospital does not require OWCP approval.)

Report to authorized medical facility with CA-16, Request for Examination or Treatment.

If employee elects treatment only by duly qualified private physician or hospital, contact the physician or hospital to ensure acceptance of the patient. Notify Civilian Personnel Office of the name and address of physician.

Obtain medical release from employee. Issue Form CA-16 with medical release to authorize treatment. Advise employee that a physician's statement must be furnished to support continuation of pay.

EMPLOYEE

After Initial Necessary Medical

Treatment:

Complete employee section of CA-1 and give to supervisor.

Return to work (full or limited duty) as soon as the attending physician advises.

Advise physician or hospital to forward bills to OWCP, 550 Golden Gate Ave., Box 36066, San Francisco 94102

SUPERVISOR

Complete supervisory section of CA-1, deliver "Receipt of Notice of Injury" to employee and forward CA-1 to Civilian Personnel Office. Counsel employee on types of leave available, e.g. annual, sick or continuation of pay.

Annotate time card to reflect employee's leave status.

If employee's request for continuation of pay does not appear to be warranted, COP must either be terminated or controverted. Contact Civilian Personnel Office for guidance and procedures to be followed.

CIVILIAN PERSONNEL OFFICE

Receive CA-1 and ensure issuance of other appropriate forms. Forward CA-1 to OWCP.

Notify Civilian Payroll by memo if employee is to be carried on continuation of pay.

Review circumstances of all continuation of pay requests. If controversy appears warranted prepare justification and forward to OWCP.

If employee is unable to return to work within two weeks, issue CA-17, Duty Status Report, to attending physician at two week intervals.

Provide supervisor with physician's statement on acceptable duty status. Failure to report for duty will result in termination of continuation of pay and unauthorized absence status.

Upon receipt of notification of employee's limited duty restrictions, locate and provide work in employee's permanent work section or another worksite for a minimum period of 30 days. Advise Civilian Personnel Office of employee's limited duty restrictions.

CIVILIAN PERSONNEL OFFICE

SUPERVISOR

Prepare and submit a Form CA-2a. If employee desires to claim compensation and a Form CA-4 was not submitted following original disability, one should be completed and submitted to OWCP. If form CA-4 was submitted, compensation may be claimed by filing Form CA-8 with supporting medical evidence. If employee does not return to duty before the date CA-2a is submitted to OWCP, submit Form CA-3, upon employee's return to duty.

Obtain a Form CA-17 at earliest practicable date and notify supervisor of limitations for consideration of a limited duty work assignment.

Upon being notified of employee's return to duty, complete Form CA-3 and forward with other documents to OWCP.

Refer employee to Civilian Personnel Office.

Upon receipt of notification of employee's limited duty restrictions, expend every effort to locate and provide work in employee's permanent work section or another work-site for a minimum of 30 days.

Upon receipt of completed release from Branch Clinic, assign employee to duties consistent with available medical data.

Contact Civilian Personnel Office for completion of CA-3.

EMPLOYEE

4. Recurrence of Non-Traumatic Injury/ Occupational Disease or Illness

When Disability Recurs

Report recurrence of disability to immediate supervisor.

Upon referral by supervisor to Civilian Personnel Office prepare Form CA-4 and provide any supporting documentation requested by the Employee Relations Specialist.

Return to work (full or limited duty) as soon as the attending physician advises. Report for limited duty. Failure to do so will result in termination of compensation and unauthorized absence status.

Return to Work Following Recurrence of Non-Traumatic Injury/Occupational Disease or Illness

Report to supervisor for referral to Branch Clinic. If treatment was by private physician, a release statement indicating return to duty is required. If returning for assignment to limited duty, medical certification will be provided by Federal Medical Officer in conjunction with medical reports received from private physician.

EMPLOYEE

SUPERVISOR

CIVILIAN PERSONNEL OFFICE

3. Non-Traumatic Injury/Occupational Disease or Illness When Disabled

Immediately report the disability to supervisor.

When referred to Civilian Personnel Office by supervisor, prepare forms CA-2, CA-4, and provide medical certification required.

Elect sick, annual or leave without pay.

Return to work (full or limited duty) as soon as the attending physician advises. Failure to report for duty will result in termination of compensation and unauthorized absence status.

Return to Work Following Non-Traumatic Injury/Occupational Disease or Illness

Report to supervisor for referral to Branch Clinic. If treatment was by private physician, a release statement indicating return to duty is required.

If returning for assignment to limited duty, medical certification will be provided by Federal Medical Officer in conjunction with medical reports received from private physician.

Refer the employee to Civilian Personnel Office.

Provide employee with Forms CA-2 and CA-4 for reporting the occupational disease. Upon receipt of completed forms, return to employee the "Receipt of Notice of Disease or Illness." Obtain appropriate medical certification. Submit paperwork to OWCP. Advise employee of right to elect sick, annual or leave without pay. Issue a CA-17 if approved by OWCP.

Upon receipt of notification of employee's limited duty restrictions, expend every effort to locate and provide work in employee's permanent work section or another worksite for a minimum of 30 days.

Upon receipt of completed release from Branch Clinic, assign employee to duties consistent with available medical data and forward with other documents to OWCP.

Contact Civilian Personnel Office for completion of CA-3.

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EMPLOYEE

2. Recurrence of Traumatic Injury

When an Injury Recurs

Report a recurrence of injury to supervisor immediately.

If still eligible (less than six months from return to work from initial disability and did not use the whole 45-day period), may request to be placed on continuation of pay. If ineligible, may elect annual or sick leave without pay and file a claim for compensation. Prepare a leave slip and appropriate CA-7.

Failure to report for duty, when limited duty is authorized by a physician will result in termination of continuation of pay and unauthorized absence status.

Return to Work Following Recurrence of Traumatic Injury:

Report to supervisor for referral to Branch Clinic. If treatment was by private physician, a release statement indicating return to duty is required.

If returning for assignment to limited duty, medical certification will be provided by Federal Medical Officer in conjunction with medical reports received from private physician.

SUPERVISOR

CIVILIAN PERSONNEL OFFICE

Immediately notify the Civilian Personnel Office of the recurrence.

If less than six months from date employee first returned to work following the initial disability, and some of the 45-day period still remains, place employee on continuation of pay. If longer than six months, continuation of pay may not be authorized. Employee may elect sick or annual leave to continue income or leave without pay and claim compensation.

Upon receipt of notification of employee's limited duty restrictions, locate and provide work in employee's permanent work section or another worksite for a minimum of 30 days.

Refer employee to Branch Clinic. Upon receipt of completed release from Branch Clinic, assign employee to duties consistent with available medical data.

Notify Civilian Personnel Office of employee's return to work.

Upon notification of recurrence, submit Form CA-2a to OWCP. If less than six months following last medical treatment, issue Form CA-16 to obtain medical treatment. If longer than six months, prior approval of OWCP is required. If employee wishes to file for compensation, prepare CA-7 or CA-8.

Obtain a Form CA-17 at earliest practicable date and notify supervisor of limitations for consideration of a limited duty work assignment.

Upon being notified of employee's return to duty, complete Form CA-3 and forward with other documents to OWCP.

EMPLOYEE

Disability in Excess of
45 Day Continuation of Pay:

If unable to return to full duty notify supervisor no later than the 45th day of the continuation of pay period. Elect annual leave, sick leave or leave without pay.

If disability continues Claim for Continuing Compensation on Account of Disability, CA-8, must be completed and submitted to the Civilian Personnel Office at two week intervals.

Return to Work - Lost Time
Injuries:

Report to supervisor for referral to Branch Clinic.

If treated by private physician, a release statement indicating return to duty is required. If returning for assignment to limited duty, medical certification will be provided by Federal Medical Officer in conjunction with medical reports received from a private physician.

SUPERVISOR

Annotate change in leave status on time card. Refer employee to Civilian Personnel Office for assistance in completion of forms.

Refer employee to Branch Clinic. Upon receipt of completed release from Branch Clinic, assign employee to duties consistent with available medical data.

Contact Civilian Personnel Office for completion of CA-3.

CIVILIAN PERSONNEL OFFICE

Assist employee with completion of CA-7. Upon completion immediately forward CA-7 to OWCP.

Provide employee with CA-8. Upon completion of employee's section and activity's statement, forward CA-8 to OWCP.

Upon being notified of employee's return to duty, complete Form CA-3 and forward with other documents to OWCP.