

## Division of Federal Employees' Compensation (DFEC)

### CA-11 When Injured at Work Information Guide for Federal Employees

#### Introduction

[The Federal Employees' Compensation Act \(FECA\)](#) (5 U.S.C. 8101 et seq.) is administered by the Office of Workers' Compensation Programs (OWCP) of the U.S. It provides compensation benefits to civilian employees of the United States for disability due to personal injury sustained while in the performance of duty or to disease. The FECA also provides for the payment of benefits to dependents if the injury or disease causes the employee's death. Benefits cannot be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about his or her injury or death or that of another, or if intoxication (by the proximate cause of the injury or death).

#### Medical Benefits

An employee is entitled to medical, surgical and hospital services and supplies needed for treatment of an injury as well as transportation for obtaining care. The initial choice of physician and may select any qualified local physician or hospital to provide necessary treatment or may use agency medical facilities established by the attending physician, any change in treating physician after the initial choice must be authorized by OWCP. Otherwise, OWCP will not be liable for the expense.

The term "physician" includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists and chiropractors within the scope defined by State law. Payment for chiropractic services is limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-rays. If the physician selected has been excluded from participating in the Compensation Program the OWCP District Office will advise the employee of the exclusion and select another physician.

#### Compensation for Temporary Total Disability

An employee who sustains a disabling, job-related traumatic injury may request continuation of regular pay for the period of disability not to exceed 45 calendar days. If disability continues beyond 45 days or the employee is not entitled to continuation of pay, the employee may use sick or annual leave or enter a disability status and claim compensation from OWCP.

When disability results from an occupational disease, the employing agency is not authorized to continue the employee's pay. The employee may use sick or annual leave without pay status and claim compensation.

Compensation for loss of wages may not be paid until after a three-day waiting period, except when permanent effects result from the injury or where the disability exceeds 14 calendar days. Compensation is generally paid at the rate of 2/3 of the salary if the employee has no dependents and 3/4 of the salary if one or more dependents are claimed.

The term "dependent" includes a husband, wife, unmarried child under 18 years of age, and a wholly dependent parent. An unmarried child may qualify as a dependent if the child is incapable of self-support by reason of mental or physical disability, or as long as the child continues to be a full-time student at an accredited institution until she reaches the age of 23 or has completed four years of education beyond the high school level.

#### Compensation for Permanent Effects of Injury

The Act provides a schedule of benefits for permanent impairment of certain members, functions and organs of the body such as the eye, arm, or kidney and for loss of the head, face or neck. For example, an award of 160 weeks of compensation is payable for total loss of vision in one eye.

In addition, compensation for loss of earning capacity may be paid if the employee is unable to resume regular work because of injury-related disability. This compensation is based on the difference between the employee's capacity to earn wages after an injury and the wages of the job he or she held when injured.

OWCP may arrange for vocational rehabilitation and provide a maintenance allowance not to exceed \$200 per month. A disabled employee participating in an OWCP training or vocational rehabilitation program is paid at the compensation rate for total disability.

If the employee's condition requires a constant attendant, an additional amount not to exceed \$1500 per month may be allowed.

#### Compensation for Death

If no child is eligible for benefits, the widow or widower's compensation is 50 percent of the employee's pay at the time of death, if death was due to the employee's disease. If a child or children are eligible for benefits, the widow or widower is entitled to 45 percent of the pay and each child is entitled to 15 percent. If children are survivors, 40 percent is paid for the first child and 15 percent for each additional child, to be shared equally. Other persons such as dependent parents, brothers, and grandchildren may also be entitled to benefits. The total compensation may not exceed 75 percent of the employee's pay or the pay of the highest step for GS-15, except when such excess is created by authorized cost-of-living adjustments.

The compensation of a surviving spouse terminates upon his or her death or remarriage. A widow or widower's benefits continue, however, if the remarriage occurs after the age of 55. Awards to children, brothers, sisters and grandchildren terminate at the age of 18, unless the dependent is incapable of self-support, or continues to be a full-time student at an accredited institution, until he or she reaches the age of 23, or has completed four years of education beyond the high school level.

Benefits for transportation of the body to the employee's former residence in the United States is provided where death occurs outside the employee's home station. In addition to any burial expenses or transportation costs, a \$200 allowance is paid for the administrative costs of terminating an employee's Federal Government service.

#### Cost-of-Living Adjustments

Compensation payments on account of a disability or death which occurred more than one year before March 1 of each year, are increased on that date by any percentage increase in the Consumer Price Index published for December of the preceding year.

#### Settlements With Third Parties

Where an employee's injury or death in the performance of duty occurs under circumstances placing a legal liability on a party other than the United States, a portion of the compensation and other benefits paid by OWCP must be refunded from any settlement obtained. OWCP will assist in obtaining the settlement and the Act guarantees that the employee may retain a certain proportion of the settlement (after any attorney fees and costs are deducted) even when the cost of compensation and other benefits exceeds the amount of the settlement.

District Office which issued the decision. The request must be accompanied by evidence not previously submitted. If reconsideration has been requested, a hearing may not be granted. The employee or survivor may also request review by the Employees' Compensation Appeals Board (ECAB). Because the ECAB rules solely rely on the record at the time the decision was issued, no additional evidence may be presented.

### More Detailed Information

More detailed information about the requirements for coverage and benefits under the Federal Employees' Compensation Act may be obtained from Federal Personnel Manual Chapter 810, Injury Compensation [now [OWCP Publication CA-810](#)], and booklet [CA-550](#), Questions and Answers About the Federal Employees' Compensation questions commonly asked about compensation benefits.

### What To Do...

1. *Keep This Pamphlet.* It is important that you know what you are entitled to, since benefits are not paid automatically. You or your survivors must claim them.
2. *In Case of Injury,* obtain first aid or medical treatment even if the injury is minor. While many minor injuries heal without treatment, a few result in serious problems that could have been prevented had the employee received treatment when the injury occurred.

For traumatic injuries, ask your employer to authorize medical treatment on Form CA-16 BEFORE you go to the doctor. Take Form CA-16 when you go to the doctor. Use Form OWCP-1500, which the doctor must use to submit bills to OWCP. Your employer may authorize medical treatment for occupational disease ONLY if OWCP gives approval.

Submit bills promptly, as bills for medical treatment may not be paid if submitted to OWCP more than one year after the calendar year in which you received the diagnosis of the condition was accepted as compensable.

3. *Report Every Injury* to your supervisor. Submit written notice of your injury on Form CA-1 if you sustained a traumatic injury, or Form CA-2 if the injury was a disease or illness. (Forms CA-1 and CA-2 may be obtained from your employing agency or OWCP.)

Form CA-1 must be filed within 30 days of the date of injury to receive continuation of pay (COP) for a disabling traumatic injury. COP may be terminated if medical improvement is shown. If injury-related disability is not submitted to your employer within 10 workdays, YOU ARE RESPONSIBLE FOR ENSURING THAT SUCH MEDICAL INFORMATION IS SUBMITTED TO YOUR EMPLOYING AGENCY. Form CA-2 should also be filed within 30 days. Any claim which is not submitted within 3 years will be barred by statutory time limitations unless your immediate superior had actual knowledge of the injury or death within 30 days of occurrence.

4. *Establish the Essential Elements of Your Claim.* You must provide the evidence needed to show that you filed for benefits in a timely manner; that you are a Federal employee at the time the injury occurred as reported and in the performance of duty; and that your condition or disability is related to the injury or factors of your Federal employment. It is your responsibility in meeting this responsibility, which is called burden of proof, by requesting evidence needed to fulfill the requirements of your claim.

5. *File a Claim for Compensation.* File Form CA-7, Claim for Compensation on Account of Traumatic Injury or Occupational Disease, if you cannot return to work after the injury and you are losing (or expect to lose) pay for more than three days. Give the form to your supervisor seven to ten days before the end of the COP period, if you are not entitled to COP, submit Form CA-7 when you enter or expect to enter a leave without pay status. All wage loss claims must be supported by medical evidence of related disability for the period of the claim.

If you continue to lose pay after the dates claimed on Form CA-7, submit Forms CA-8 Claim for Continuing Compensation on Account of Disability. This form allows you to receive compensation until you return to work or until OWCP advises they are no longer needed. You are not required to use your sick or annual leave before receiving compensation.

If you choose to use your leave, you may, with your agency's concurrence, request leave buy-back by submitting Form CA-7 to OWCP through your employing agency. If your compensation payment is to be used to partially reimburse your salary, the compensation payment that was paid at 2/3 or 3/4 of your salary. Your agency will then recredit the leave to your leave record.

6. *Return To Work As Soon As your Doctor Allows You To Do So.* If your employing agency gives you a written description of a light duty job, you must provide a written description of your doctor's instructions concerning return to work, and arrange for your agency to receive written verification of your doctor's instructions. COP or compensation may be terminated if you refuse work which is within your medical restrictions without good cause, or if you do not respond to a job offer from your agency.

In appropriate cases, OWCP provides assistance in arranging for reassignment to lighter duties in cooperation with the employing agency. In addition, injured employees may be entitled to other specified rights under the jurisdiction of the Office of Personnel Management, such as reemployment rights if the disability has been overcome within one year.

7. *Tell Your Family* about the benefits they are entitled to in the event of your death. For assistance in filing a claim they may contact your employing agency's representative or OWCP.

**For Additional Information or When in Doubt About Your Compensation Benefits Write to the [Office of Workers' Compensation Programs](#).**