



DEPARTMENT OF DEFENSE
Defense Commissary Agency
Fort Lee, VA 23801-1800

DIRECTIVE

Injury Compensation Program

DeCAD 50-23
October 24, 2011

Human Resources
OPR: DeCA/HR

References: See Enclosure 1

1. REISSUANCE AND PURPOSE. This directive contains information and guidance about injury compensation benefits paid to Defense Commissary Agency (DeCA) civilian employees for disability due to personal injury, disease, or death arising from or within the scope of their employment with DeCA.

a. Supersedes DeCA Directive (DeCAD) 50-23 "Injury Compensation Program," February 2002, (Reference (a)).

b. Is established in compliance with references listed above.

2. APPLICABILITY. This directive applies to all DeCA organizational elements receiving civilian personnel support from DeCA, and to overseas DeCA activities receiving civilian personnel support from the Military Departments to the extent that it does not conflict or interfere with the process and procedures of the servicing personnel office.

3. POLICY. It is DeCA policy that:

a. An employee who is injured or who suffers an illness because of job-related factors may be eligible for compensation payments under the "Federal Employees' Compensation Act" (FECA), Title 5 United States Code, Section 8101 et seq. (Reference (b)). It is the policy of DeCA to facilitate processing of such claims to the Office of Workers' Compensation Programs (OWCP), in a timely manner, based upon acquisition of needed information so that a final OWCP decision concerning benefit entitlements can be reached by that agency as quickly as possible. DeCA recognizes and endorses an employee's right to benefits when a valid claim is initiated. When claims are submitted that are not substantiated by the facts, these findings will be raised to OWCP for their consideration. In cases where fraudulent claims are supported by evidence, appropriate action will occur, which may include submission of the case to the U.S. Department of Justice for prosecution.

b. DeCA's Headquarters (HQ) workers' compensation program manager will provide operational guidance, advice, and assistance concerning injury compensation program matters. The HQ program manager will oversee the overall administration of the program, develop broad program policy and guidance, and provide guidance concerning policy interpretation or changes.

c. Under the HQ program manager are Injury Compensation Program Administrators (ICPA), in accordance with "ICPA for Federal Employees," U.S. Department of Labor Publication CA 810, (Reference (c)) who are functionally assigned to manage their respective areas of responsibility. ICPA develop strategies and methods to manage the program ensuring accountability of all costs; timely processing of claims; and correct advice to supervisors, managers, employees, medical and safety personnel, as well as any other officials about their responsibilities regarding this program.

d. The HQ will establish a FECA working group to discuss matters pertinent to the Injury Compensation Program. This group is authorized to review processes and make recommendations concerning all facets of the Injury Compensation Program (Reference (d)). This group will be comprised of the program manager who will chair the group, ICPA, representatives from the safety, operations, resources management, and/or general counsel areas, as determined appropriate. Officials from the medical community may also be invited to participate, if determined appropriate. This group will meet at least once annually and more often, if needed.

e. To the extent possible, supervisors will accommodate the needs of an employee who has suffered an on-the-job injury or illness, unless undue hardship to the mission would result. When feasible, every effort will be made to reemploy current long-term and former DeCA employees who are in receipt of long-term disability compensation in accordance with Title 20, Employees' Benefits, Code of Federal Regulations, Part 10, April 2009, (Reference (e)).

f. While DeCA fully supports an employee's entitlement to workers' compensation benefits for a work-related injury, DeCA is concerned about the costs associated with this program. To this end, the Agency will aggressively pursue costs containment measures. Such measures will include promoting a safe working environment and aggressively managing workers' compensation claims.

4. RESPONSIBILITIES.

a. Employee. Employees shall:

(1) Strive to work safely and immediately report all unsafe working conditions or practices to their supervisor or manager on duty.

(2) Immediately report a work-related traumatic injury or occupational illness to the first level supervisor or manager on duty. Instructions for filing an injury compensation claim for on-the-job injuries or illnesses are provided at Appendix A "FILING AN INJURY COMPENSATION CLAIM INSTRUCTIONS FOR REPORTING ON-THE-JOB INJURIES"

OR ILLNESS” (NOTE: Procedures to report hazards and to file an accident report {DeCA Form 30-301} are contained in DeCA Manual (DeCAM) 30-17.1, “Safety and Occupational Program Health Manual,” February 3, 2010, (Reference (f)). The importance of immediately reporting and providing required medical information concerning all on-the-job injuries/illnesses to the immediate supervisor cannot be overemphasized. Delay in reporting an injury or illness and completing Forms CA-1 and CA-2 can impact timely processing of claims. Prompt and accurate reporting of all facts pertinent to claims will help expedite OWCP decisions. Reporting injuries and illnesses and completing required forms can be accomplished by someone acting on an employee’s behalf, to include a family member, union official, representative, or Agency official, in the event the employee is incapacitated. The form claiming compensation entitlements must contain the original signature of the person giving notice.

(3) Be responsible for providing medical documentation in a timely manner. Failure to provide this information may impact processing, delay benefit entitlements, or delay a decision concerning the claim, or may result in a denial of continuation of pay (COP), if medical documentation is not provided within 10 business days from date of injury. An employee filing a claim for compensation benefits, that knowingly provides false statements or fraudulent information, is accountable under criminal or civil prosecution guidelines, administrative directives, or both.

(4) Be responsible for ensuring that all billings for services from private medical providers and others for which he/she believes reimbursement is authorized are submitted to the OWCP.

(5) Be responsible for providing the OWCP claim number, if available, to the medical provider.

(6) Be responsible for returning to work when the medical documentation indicates that the employee may return to full or to limited duty.

b. Supervisor. The Supervisor shall:

(1) Enforce safety and health regulations and promote safe working practices.

(2) Immediately, upon notification of an alleged on-the-job traumatic injury or illness, advise the employee that they may choose any licensed physician in private practice, who is not excluded, or may choose to be treated at a government facility, if one is available.

(3) Complete the supervisor's portion of the OWCP claim form submitted by the employee. The OWCP CA-1 or CA-2 must be forwarded to reach OWCP within 10 business days, to be considered “timely filed” with OWCP. Therefore, it is imperative that the supervisor complete the form as soon as possible and forward the claim form to the HQ’s ICPA, (no more than 5 business days after receipt from the employee) to ensure the form is submitted to OWCP in a timely manner.

(4) Investigate the circumstances of the incident, obtain statements from witnesses, if any, and record findings on the appropriate OWCP claim form. If the supervisor challenges the claim, the supervisor must provide the controversion rationale along with any documentation that supports the position.

(5) Participate in efforts to restore recovered and partially recovered employees to duty by providing restricted/limited duty assignments in accordance with Appendix B, "EMPLOYMENT GUIDELINES FOR EMPLOYEES INJURED ON DUTY," DeCAM 50-23.1, Injury Compensation Program, (Reference (g)).

(6) Review DeCAM 30-17.1, Safety and Occupational Health Program, February 3, 2010, Chapter 6, "Accident Reporting and Recordkeeping" (Reference (f)) or confer with the facility's safety representative or safety support manager to determine the necessity to additionally report and record the event as an accident (report on DeCA Form 30-301 and record on OSHA Form 300).

(7) Supervisors should review DeCA Directive 55-3, "Procedures for Providing Reasonable Accommodations for Individuals with Disabilities," (Reference (h)), to determine whether they need to explore reasonable accommodation of a disability.

c. ICPA. The ICPA shall:

(1) Offer counseling; provide advice and assistance to employees and supervisors concerning the program, and coordinate the submission of OWCP claims.

(2) Coordinate with supervisors when challenging a claim, to ensure all documentation is complete and forwarded to OWCP in a timely manner.

(3) Ensure claims are processed in a timely manner and are electronically forwarded to reach OWCP within the 10 business days, time limit established by the Department of Labor (DoL).

(4) Review medical documentation to determine if COP is warranted and advise supervisor in controverting the COP or requesting acceptable medical documentation. If the controversy is upheld by OWCP, the ICPA will advise the supervisor immediately and coordinate to have the time cards corrected accordingly. If the claim is denied, the ICPA will notify the supervisor.

(5) Track and monitor COP and process claims for compensation or leave buy back.

(6) Review claims for compensation benefits, to ensure required documentation is provided in order to determine eligibility for compensation.

(7) Review leave buy back requests and coordinate with the payroll office and Department of Labor (DoL) to ensure entitlement.

(8) Develop and implement processes that may result in reduction in injury/illness costs, such as reemployment strategies.

(9) Provide statistical data related to compensation claims and the reduction of injuries/costs.

(10) Review the DoI Chargeback listing for accuracy and for use in case management. Track old and new claims through established procedures by the program manager. Coordinate costs and payment procedures with Resource Management.

(11) Work with OWCP officials, rehabilitation counselors, management, and the medical community to return claimants to duty.

(12) Work with appropriate Department of Defense (DoD) workers' compensation liaison officials to resolve difficult issues and problem cases.

(13) Provide training to supervisors as necessary.

d. Store Point of Contact (POC). Each store shall designate a management official as a POC for workers' compensation. The POC shall:

(1) Review forms for completeness and accuracy, and provide basic guidance/information to employees and supervisors regarding the program.

(2) Ensure that forms are forwarded to the HQs ICPA within 5 business days of receipt.

(3) Coordinate with the installation as required.

e. FECA Working Group. The FECA working group shall:

(1) Discuss matters pertinent to the Injury Compensation Program. The working group is authorized to review processes and make recommendations concerning all facets of the Injury Compensation Program.

(2) Make recommendations on the operation of the program, including but not limited to:

(a) Reemployment of injured workers;

(b) Processes that may result in reduction of injuries/illnesses associated with the job;

(c) Challenging claims;

(d) Fraudulent claims;

(e) Other related FECA matters.

f. DeCA Agency/Safety Support Managers. The safety manager shall:

(1) Use factual information from the injury/illness compensation claim forms via the DoD Civilian Personnel Management System Electronic Data Interchange (CPMS EDI) system, to determine if the event satisfied accident reporting/recording criteria.

(2) Provide factual information from the accident investigation, for use in the compensation investigation report.

(3) Serve as a member of the FECA working group.

g. HQ Director of Human Resources. The HQ Director of Human Resources shall:

(1) Provide overall policy guidance on matters pertaining to the Injury Compensation Program.

(2) Appoint a workers' compensation program manager, who will assist in the development of Agency-wide policy, program goals, monitoring progress, and compliance with DoL rules and regulations.

5. MANAGEMENT CONTROL SYSTEM. This Directive does not contain inter-management control provisions that are subject to evaluation, testing, and other requirements of DeCAD 70-2, "Internal Control Program," December 17, 2007, (Reference (i)), and as specified by the Federal Manager's Financial Integrity Act.

6. RELEASABILITY – UNLIMITED. This Directive is approved for public release and is located on DeCA's Internet Web site at www.commissaries.com.

7. EFFECTIVE DATE. By order of the Director, DeCA, this Directive is effective immediately.



JoAnn Chambers
Chief of Staff

Enclosures

1. References
2. Glossary
3. Acronyms

ENCLOSURE 1

REFERENCES

- (a) DeCA Directive 50-23, "Injury Compensation Program," dated February 2002 (hereby rescinded)
- (b) Title 5 United States Code, Section 8101 et seq., "Federal Employees' Compensation Act"
- (c) U.S. Department of Labor Publication CA 810, "Injury Compensation for Federal Employees"
- (d) Department of Defense Manual 1400.24-M, "Injury Compensation," April 12, 2005, administratively reissued April 2009
- (e) Title 20, "Federal Employees' Compensation Act," Code of Federal Regulations, Part 10, April 2009
- (f) DeCA Manual 30-17.1, "Safety and Occupational Health Program Manual," February 3, 2010
- (g) DeCA Manual 50-23.1, "Injury Compensation Program"
- (h) DeCA Directive 55-3, "Procedures for Providing Reasonable Accommodations for Individuals with Disabilities," November 2001
- (i) DeCA Directive 70-2, "Internal Control Program," December 17, 2007

ENCLOSURE 2

GLOSSARY

DEFINITIONS

Accommodation: Is an action taken by the employer to modify the work environment, because of the job related medical limitations of the employee to keep the employee gainfully employed.

Chargeback: DoL system of billing Department of Defense (DoD) components for payments related to the Office of Workers' Compensation Programs (OWCP) approved claims. This billing includes payments made for medical bills, rehabilitation services, compensation payments, and any other cost associated with the injury.

Compensation: Benefits or compensation paid or payable under the Federal Employees Compensation Act (FECA), including money paid because of loss of wages, medical expenses, rehabilitation expenses, scheduled awards for loss of use of major body functions, and death benefits to survivors.

Continuation of Pay (COP): A continuation of an employee's regular salary for up to 45 calendar days of wage loss, due to disability and or medical treatment following a traumatic injury.

Controvert/Controversion: The formal administrative procedure through which management presents evidence to OWCP to challenge an employee's claim to COP or other OWCP benefits.

DeCA Headquarters Inspector General (IG): The office responsible for inquiring into and reporting upon matters affecting mission performance and the state of economy, efficiency, discipline, and morale of DeCA.

DoL: Department of Labor

Federal Employees' Compensation Act (FECA): Outlines the statutory regulations for the injury compensation program that are identified in 5 U.S.C. 8101.

Fraud: An act of knowingly deceiving or misrepresenting in order to gain something of value.

Leave Without Pay (LWOP): A temporary, voluntary, nonpay status and absence from duty that is granted at the employee's request or by operation of regulations. In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency internal policy.

Occupational Disease or Illness: A condition produced in the work environment over a period longer than 1 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.

Physician: A medical professional including surgeons, podiatrists, dentists, clinical psychologists, optometrists, osteopathic practitioners, and chiropractors within the scope of their practice as defined by state law.

Traumatic Injury: 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. It must be caused by a specific event or incident or series of events or incidents within a single day or work shift. Traumatic injuries include damage to or destruction of prosthetic devices or appliances, including eyeglasses and hearing aids if they were damaged incidental to a personal injury requiring medical services.

ENCLOSURE 3

ACRONYMS

COP	Continuation of Pay
CPMS	Civilian Personnel Management System
DeCA	Defense Commissary Agency
DeCAD	Defense Commissary Agency Directive
DeCAM	Defense Commissary Agency Manual
DoD	Department of Defense
DoL	Department of Labor
EDI	Electronic Data Interchange
FECA	Federal Employees' Compensation Act
HQ	Headquarters
ICPA	Injury Compensation Program Administrator(s)
IG	Inspector General
LWOP	leave without pay
OWCP	Office of Workers' Compensation Programs
POC	point of contact