

Federal Employees' Compensation Act FAQs for Safety Professionals

1. What is the difference between a 'Traumatic Injury' and an 'Occupational Disease or Illness'?

A *traumatic injury* is a wound or other condition of the body caused by external force, including stress or strain. The injury must occur at a specific time and place, and it must affect a specific member or function of the body. The injury must be caused by a specific event or incident, or a series of events or incidents, within a single day or work shift. Traumatic injuries include damage solely to or destruction of prostheses, such as dentures or artificial limbs. Traumatic injuries also include damage to or destruction of personal appliances, such as eyeglasses or hearing aids, when a personal injury requiring medical services occurred.

An *occupational disease or illness* is a condition produced by the work environment over a period longer than one work day or shift. The condition may result from infection, repeated stress or strain, or repeated exposure to toxins, poisons, fumes or other continuing conditions of the work environment. The length of exposure, not the cause of the injury or the medical condition which results, determines whether an injury is traumatic or occupational. For instance, if the employee is exposed to toxic fumes for one day, the incident is considered a traumatic injury. If the employee is exposed to toxic fumes for two or more days, the incident is considered an occupational disease.

2. What forms are used to report injuries and diseases?

Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, is used to report a traumatic injury. Form CA-2, Notice of Occupational Disease and Claim for Compensation, is used to report an occupational disease. The employee should carefully follow the instructions attached to Forms CA-1 and CA-2. Form CA-1 should be filed within 30 days of the injury, and Form CA-2 should be filed within 30 days of the date the employee realized the disease or illness was caused or aggravated by the employment. Both the CA-1 and the CA-2 are available for electronic submission at <https://www.ecomp.dol.gov/#>. Click on the 'File Form green bar in center of page, or "File a Form" in left column, under Employee & Claimants. The employer is expected to submit the completed form to the Office of Workers' Compensation Programs within 10 workdays.

3. What defines a work injury if it happened on the property and while working?

There has to be an incident or a specific reason that causes an injury or an illness. Simply having a 'pain' while walking would not qualify as a Workers' Compensation event. The employee is entitled to file a claim, but the Injury Compensation Program Administrator should send a challenge to the Office of Workers' Compensation Programs pointing out that there was no event that would have caused the pain, such as a fall. The employee would also have to submit medical evidence that the 'pain' was caused by his or her employment. Simply having an event occur at work, such as a heart attack, does not necessarily make it a Workers' Compensation case.

4. Are all work-related injuries covered under the Federal Employees' Compensation Act?

All kinds of injuries, including diseases caused by employment, are covered if they occur in the performance of duty. However, benefits cannot be paid if injury or death is caused by willful misconduct of the injured employee, by intent to bring about the injury or death of oneself or another, or by intoxication of the injured employee.

5. Is it necessary to report all injuries that occur at work, even minor ones such as a cut finger or bumped knee?

All injuries should be reported when they occur, since a minor injury sometimes develops into a more serious condition. Benefits cannot be paid unless an injury is reported.

6. Are only regular, full-time employees eligible for Federal Employees' Compensation Act (FECA) benefits?

No. FECA coverage is extended to Appropriated Fund employees regardless of the length of time on the job or the type of position held. Probationary, temporary, and term employees are covered on the same basis as permanent employees. Also, part-time, seasonal, and intermittent employees are covered.

7. Does the Federal Employees' Compensation Act cover a pre-existing medical condition that is aggravated by factors of employment?

Yes. Diseases and illnesses aggravated, accelerated or precipitated by the employment are covered. The employee must submit medical and factual evidence showing that the employment aggravated, accelerated, or precipitated the medical condition.

8. What is the cost of Workers' Compensation?

Every day the Department of Defense spends almost 2 million dollars on workers' compensation. Approximately 80% of this amount goes to 'old cases' where the injured employee was never brought back to work.

9. What is the Department of Defense (DoD) Pipeline Program?

The DoD 'Pipeline' Program provides overhire authority and pays the employee's salary for the first 365 days for returning employees who have been out for 90 days or more. DoD transfers the money to your activity on a Military Interdepartmental Purchase Request. It is designed to assist installations and activities in returning employees to work.

10. What if the offered job requires the employee to relocate?

While employers are expected to offer jobs within the employee's commuting area if possible, the Office of Workers' Compensation Programs may pay moving expenses in connection with a suitable offer of employment made to an employee who is off the employer's rolls. The kinds of expenses and amounts payable are determined according to the Federal Travel Regulations for permanent changes of duty station.

11. If an employee has a work-related injury and also suffers damage to personal property, such as clothing, can the employee be paid for such loss?

The Federal Employees' Compensation Act does not provide for reimbursement for loss of personal property. The employee may seek such reimbursement from his or her employer under the Military and Civilian Personal Property Act of 1964, 31 U.S.C. 240.

12. What should an employee do if he or she has suffered a recurrence of work-related disability?

If an injured employee sustains additional disability, he or she should report the recurrence using Form CA-2a, Notice of Recurrence. The employee must submit the factual and medical evidence noted in the instructions on the form. If the recurrent disability is related to the original injury, the employee is entitled to medical treatment and compensation.

13. What is 'performance of duty'?

It must be established that the employee sustained an injury or disease while engaged in the performance of duty when the injury or disease occurred. Usually, the injury or illness must occur on the employer's premises during working hours while the employee is performing assigned duties or engaging in an activity which is reasonably associated with the employment. Workers who perform assigned duties away from the employer's premises are also covered.

14. Is an employee in performance of duty while on break or at lunch?

An employee is considered to be in performance of duty during break or at lunch on the employer's premises. Unless the employee is in travel status or is performing regular duties off the premises, an injury which occurs during lunch hour off the premises is not usually covered.

15. Is an injury which occurs during work-related recreational activities considered to be in performance of duty?

Injuries which occur during recreation which the employee is required to perform as a part of training or assigned duties, or which occur while the employee is in pay status, are considered to be in performance of duty for compensation purposes. Injuries which occur during informal recreation on the employer's premises (for instance jogging) may also be covered, as may injuries which occur while an employee is engaged in activities approved as part of an individual plan developed under a formal physical fitness program managed by the employer. Injuries which occur during informal recreation off the employer's premises (such as playing on an employer-sponsored baseball team) may also be covered. The employer must explain what benefit it derived from the employee's participation, the extent to which the employer sponsored or directed the activity, and whether the employee's participation was required. For more information, see Department of Defense Instruction 1400.25 Volume 810, Injury Compensation, paragraph 11.b. (<http://www.dtic.mil/whs/directives/corres/pdf/1400.25-V810.pdf>).

16. Is an employee considered to be in performance of duty while going to and from work?

No. Employees are not generally covered by the Federal Employees' Compensation Act for injuries which occur before they reach the employer's premises or after they have left it. However, coverage may be extended when the employer provides transportation to and from work, when the employee is required to travel during a curfew or an emergency, or when the employee is required to use his or her automobile during the work day.

17. Is an employee considered to be in performance of duty 24 hours a day while in travel status?

An employee in travel status is covered 24 hours a day for all activities incidental to the work assignment. Such activities include obtaining meals, using the hotel room, and traveling between the hotel and the work site. They usually do not include recreational or sightseeing trips.

18. Can the injured worker choose the physician who will provide treatment?

Yes, an injured worker is entitled to a first choice of physician or facility for treatment of an injury. A physician working for or under contract to the employer may examine the employee in accordance with the Office of Personnel Management regulations. The employee's choice of physician must be honored, and treatment by the employee's physician must not be delayed.