

Benefits The Federal Worker is Entitled to After Being Injured On the Job

by L. Perez

There are many benefits that the federal employee is entitled to after being hurt on the job but no one is going to tell him/her ALL of the benefits that he/she can receive. First of all you are entitled to reimbursement of all the medical bills for your injury including all doctor bills, and medication which are obtained relating to your injury. Whether one files a CA-1, CA-2, or a CA-2A form, you are entitled to certain benefits which we will go over in this article.

Penalties that protect both the injured worker as well as the employer do apply when you file a claim. Under penalty of law, you must claim that the injury the claim is being filed for was sustained in the performance of duty as an employee of the United States Government, and that it was not caused by any willful misconduct, intent to injure oneself or another person, nor by any employee intoxication. This is to protect the employer from the filing of false claims. Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided by the FECA, or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies, as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine, imprisonment, or both. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect of such a claim may also be subject to appropriate felony criminal prosecution.

When filing a claim the supervisor has the obligation of informing the claimant that the injured worker has the right to pick the medical provider of that employee's choice. The agency is not to have contact with the medical provider. The only contact that the agency can have is either in writing or by fax but they are also responsible for providing the employee or the employee's representative the questions asked of the medical provider.

No employer or other person may require an employee or other claimant to enter into any agreement, either before or after an injury or death, to waive his or her right to claim compensation under the FECA Federal Employees Compensation Act. No waiver of compensation rights shall be valid.

Any management official who knowingly files a false statement pertaining to an injured claim or does anything to prohibit an employee from filing a workers compensation claim, or prohibits an employee from receiving any benefits to which the employee is entitled to, is punishable by prison, or fine, or both.

The first benefit for the injured worker is that it is the employee who is entitled to choose the medical provider. It is the employee's choice not the agency's choice, and it is the employee's supervisor's responsibility to fully explain this right to the employee. If the employee is not given this right, he/she should file a grievance immediately. If the employee is sent for emergency treatment to the agency's chosen medical provider, the employee still has the right to choose his/her own medical provider. However, if the employee continues to see the agency's chosen provider for over three visits then the department of labor will then determine that agency medical provider as the employee's choice.

If the injury is a CA-1 injury claim for a traumatic injury (see [article about CA-1 Traumatic Injury](#)) that occurs during the employee's tour of duty then the employee certainly should file for *Continuation of Pay (COP)* which means that the agency is required to pay the injured employee 100% of the employee's pay for the first 45 calendar days of the injury (see [article on continuation of pay COP](#)).

For example, let's say that the injury happens on March 1st. The first day of continuance of pay (COP) begins on March 2nd since the day you are injured March 1st is covered under administrative leave. The 45 *calendar* days will be end on April 15th. Now let's say that March 1st falls on a Tuesday and the injured employee's pay for the lost work hours due to the injury are covered under administrative leave for the remainder of that initial day of the injury. March 2nd would be therefore be the first day of COP. If the worker's regular days off are Saturday and Sunday, this means that you will receive thirty three 33 days of 100% of your pay.

Now let's say that you are off only on March 2nd and March 3rd, which fall on Wednesday and Thursday. You go back to work on Friday the 4th so this means that you only used two days of your COP. Now on April 14th you have surgery and you have to miss work after your surgery. A new 45 calendar days starts at that point *as long as it begins before the end of the first 45 days ends*. Now your new 45 days will end on May 26th because you already received 2 days pay toward your COP continuation of pay. Had you not used any days off and started your 45 days before the end of the first 45 days then it would end on May 28th. So you would receive an additional 31 days of COP. It is very important to remember those partial days that you are off, such as going to a doctor's appointment for 2 hours, or going two hours for therapy, those days count as a whole day toward your COP.

Once the employee has made the choice of their medical provider then the following should apply. One should schedule doctors' appointments, physical therapy, including all tests pertaining to the injury, during your normal working hours. The reason for this is that you got injured on the job and you should not lose your off time or your days off to your doctors' appointments or physical therapy. One is entitled to lost wages for obtaining treatment for your injuries. If you schedule your appointments on your days off, or after your normal work hours then

you cannot be compensated for your lost time due to your injuries. To obtain your lost time while receiving your medical treatment you should [file a CA-7 Claim for Compensation form for your lost wages](#). The Department of Labor will then reimburse you at either 66.66% of your lost wages if you do not have a dependent or at 75% if you have a dependent. Remember that if you have a spouse who is considered a dependent these wages are tax free, which reduces the employee's yearly wages and causes the employee taxable income to be reduced.

Sec. 8112 Maximum and minimum

Monthly payments

(a) Except as provided by section 8138 of this title, The monthly rate of compensation for disability, Including augmented compensation under section 8110 of this title but not including additional compensation under section 8111 of this title, may not be more than 75 percent of the monthly pay of the maximum rate of basic pay for GS-15, and in case of total disability may not be less than 75 percent of the monthly pay of the minimum rate of basic pay for GS-2 or the amount of the monthly pay of the employee, whichever is less.

(b) The provisions of subsection (a) shall not apply to any employee whose disability is a result of an assault which occurs during an assassination or attempted assassination of a Federal Official described under section 351(a) or 751(a) of title 18, and was sustained in the performance of duty.

The next benefit you are entitled to is reimbursement for your travel mileage to and from any doctor's visits, medical appointments, physical therapy treatments, or any medical or physical tests that are related to your on-the-job injuries. The mileage is also reimbursed to you for trips to the pharmacy to obtain any medications which

are related to your injury. In order to receive the mileage that you are entitled to you must submit your request by using form [OWCP 915 Medical Reimbursement Form](#). One should also be aware that you can only file for your mileage up to one year from the date the travel occurred. We at *Federal Workers' Compensation Consultants and Disability Retirement Specialists* remind our clients to file their travel vouchers each June and December so that they are never endangered of losing this reimbursement benefit. Remember, one can obtain form *OWCP 915 Medical Reimbursement Form* or any other OWCP form that one might need on our web site at

<http://federal-workers-comp.com/owcp-workers-compensation-forms/>.

The workplace injury also can lead to the employee receiving a schedule award (see our [article about Schedule Awards](#)). For example, let's say that the injury was to your right knee. Then you could be entitled to receive a monetary award for the loss of use of that member. ***Remember that while there is no schedule award for on-the-job injuries to the spine, the heart, or the brain, if the spinal, heart, or brain injuries sustained on the job cause problems with other parts of the body that are named in the list of schedule awards, then the injured worker can file for a schedule award based on the covered body member that is affected by the workplace injuries to the spine, heart, or brain.***

Another benefit the injured worker can receive is payments for hiring daily help with every day chores if the on-the-job injury causes the employee to have need to pay some other person to handle those normal living duties that were once performed by the injured employee but (because of the workplace injury) can no longer perform those daily chores.

Sec. 8111 Additional compensation for services of attendants or vocational rehabilitation.

(a) The Secretary of Labor may pay an employee who has been awarded compensation an additional sum of not more than \$1,500 a month, as the Secretary considers necessary, when the Secretary finds that the service of an attendant is necessary constantly because the employee is totally blind, or has lost the use of both hands or both feet, or is paralyzed and unable to walk, or because of other disability resulting from the injury making him so

helpless as to require constant attendance.

(b) The Secretary may pay an individual undergoing vocational rehabilitation under section 8104 of this title additional compensation necessary for his maintenance, but not to exceed \$200 a month.

Then injured employee could also be entitled to vocational rehabilitation Sec. 8104 Vocational rehabilitation

(a) The Secretary of Labor may direct a permanently disabled individual whose disability is compensable under this subchapter to undergo vocational rehabilitation. The Secretary shall provide for furnishing the vocational rehabilitation services. In providing for these services, the Secretary, insofar as practicable, shall use the services or facilities of State agencies and corresponding agencies which cooperate with the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29, except to the extent that the Secretary of Labor provides for furnishing these services under section 8103 of this title. The cost of providing these services to individuals undergoing vocational rehabilitation under this section shall be paid from the Employees' Compensation Fund. However, in reimbursing a State or corresponding agency under an arrangement pursuant to this section the cost to the agency reimbursable in full under section 32(b)(1) of title 29 is excluded.

(b) Notwithstanding section 8106, individuals directed to undergo vocational rehabilitation by the Secretary shall, while undergoing such rehabilitation,

receive compensation at the rate provided in sections 8105 and 8110 of this title, less the amount of any earnings received from remunerative employment, other than employment undertaken pursuant to such rehabilitation.

If death occurs to the injured employee due to his on the job injury then the following benefits will be paid:

Sec. 8133 Compensation in case of death

(a) If death results from an injury sustained in the performance of duty, the United States shall pay a monthly compensation equal to a percentage of the monthly pay of the deceased employee in accordance with the following schedule:

(1) To the widow or widower, if there is no child, 50 percent.

(2) To the widow or widower, if there is a child, 45 percent and in addition 15 percent for each child not to exceed a total of 75 percent for the widow or widower and children.

(3) To the children, if there is no widow or widower, 40 percent for one child and 15 percent additional for each additional child not to exceed a total of 75 percent, divided among the children share and share alike.

(4) To the parents, if there is no widow, widower, or child, as follows -

(A) 25 percent if one parent was wholly dependent on the employee at the time of death and the other was not dependent to any extent;
(B) 20 percent to each if both were wholly dependent; or
(C) a proportionate amount in the discretion of the Secretary of Labor if one or both were partly dependent. If there is a widow, widower, or child, so much of the percentages are payable as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of 75 percent.

(5) To the brothers, sisters, grandparents, and grandchildren, if there is no widow, widower, child, or dependent parent, as follows -

(A) 20 percent if one was wholly dependent on the employee at the time of death;

(B) 30 percent if more than one was wholly dependent, divided among the dependents share and share alike; or

(C) 10 percent if no one is wholly dependent but one or more is partly dependent, divided among the

dependents share and share alike. If there is a widow, widower, child, or dependent parent, so much of the percentages are payable as, when added to the total percentages payable to the widow, widower, children, and dependent parents, will not exceed a total of 75 percent.

(b) The compensation payable under subsection (a) of this section is paid from the time of death until;
(1) a widow, or widower dies or remarries before reaching age 55; if the marriage occurs after 55 years of age then the compensation paid does not end.

(2) a child, a brother, a sister, or a grandchild dies, marries, or becomes 18 years of age, or if over age 18 and incapable of self-support becomes capable of self-support;
or

(3) a parent or grandparent dies, marries, or ceases to be dependent. Notwithstanding paragraph (2) of this subsection, compensation payable to or for a child, a brother or sister, or grandchild that would otherwise end because the child, brother or sister, or grandchild has reached 18 years of age shall continue if he is a student as defined by section 8101 of this title at the time he reaches 18 years of age for so long as he continues to be such a student or until

he marries. A widow or widower who has entitlements to benefits under this title derived from more than one husband or wife shall elect one entitlement to be utilized.

(c) On the cessation of compensation under this section to or on account of an individual, the compensation of the remaining individuals entitled to compensation for the unexpired part of the period during which their compensation is payable, is that which they would have received if they had been the only individuals entitled to compensation at the time of the death of the employee.

(d) When there are two or more classes of individuals entitled to compensation under this section and the apportionment of compensation under this section would result in injustice, the Secretary may modify the apportionment to meet the requirements of the case.

(e) In computing compensation under this section, the monthly pay is deemed not less than the minimum rate of basic pay for GS-2. However, the total monthly compensation may not exceed -

(1) the monthly pay computed under section 8114 of this title, except for increases authorized by section 8146a of this title; or
(2) 75 percent of the monthly pay of the maximum rate of basic pay for GS-15.

(f) Notwithstanding any funeral and burial expenses paid under section 8134, there shall be paid a sum of \$200 to the personal representative of a deceased

employee within the meaning of section 8101(1) of this title for reimbursement of the costs of termination of the decedent's status as an employee of the United States.

Sec. 8134 Funeral expenses; transportation of body

(a) If death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$800, in the discretion of the Secretary of Labor.

(b) The body of an employee whose home is in the United States, in the discretion of the Secretary, may be embalmed and transported in a hermetically sealed casket to his home or last place of residence at the expense of the Employees' Compensation Fund if :

(1) the employee dies from -

(A) the injury while away from his home or official station or outside the United States; or

(B) from other causes while away from his home or official station for the purpose of receiving medical or other services, appliances, supplies, or examination under this subchapter; and

(2) The relatives of the employee request the return of his body. If the relatives do not request the return of the body of the

Employee, the Secretary may provide for its disposition and incur and pay from the Employees' Compensation Fund the necessary and reasonable transportation, funeral, and burial expenses.

Finally, any injury which occurs while receiving medical treatment is covered under the *Federal Employees Compensation Act (FECA)*. If, while being examined, you fall off the table and injure yourself this is a new claim. If you, while traveling to and from your visits for your doctor's appointments, or for physical therapy sessions, are involved in a traffic accident, any injuries that you suffer are covered by the *Federal Employees Compensation Act (FECA)*. If any medication that one is taking for an on-the-job injury causes damage to other parts of the body, these are covered by the Federal Employees Compensation Act.

These benefits can be received by the injured employee for as long as it is medically necessary, even if it lasts for the rest of his/her life.

Call Federal Workers Compensation Consultants today for a free initial consultation at 1-877-915-1271

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