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Date: 08/09/2004

Category: 20 - Human Resources **OPR:** HR

Title: AR 20-41 (U) FEDERAL EMPLOYEES WORKERS'
COMPENSATION ACT

REVISION SUMMARY: 9 August 2004

This regulation supersedes AR 20-41 dated, 25 March 1996

AR 20-41 is revised to be consistent with guidance provided by the Department of Labor's Office of Workers' Compensation Programs Guide, *Injury Compensation for Federal Employees*. The revised regulation provides specifics on eligibility, entitlements, and employee obligations.

Because this regulation has been extensively revised, boldfaced text has not been used.

This regulation was revised by Chief Human Resource Office, HR Policy @ da.

41. (U) FEDERAL EMPLOYEES WORKERS' COMPENSATION PROGRAM

(U) SYNOPSIS. This regulation includes general policy guidance, authorities, and responsibilities for benefits provided under the Federal Employees' Compensation Act (FECA). The Chief Human Resources Officer (CHRO) administers the program based on Department of Labor guidelines, rules, and regulations.

(U) Table of Contents

- a. Authorities
- b. Purpose
- c. Definitions
- d. Conditions of Eligibility
- e. Conditions of Coverage

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

APPROVED FOR RELEASE
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~~ADMINISTRATIVE - INTERNAL USE ONLY~~

- f. Medical Benefits**
 - g. Continuation of Pay (COP)**
 - h. Disability Compensation – Temporary Total Disability (TDD) and Partial Disability**
 - i. Disability Compensation – Schedule Awards**
 - j. Disability Compensation – Loss of Wage-Earning Capacity**
 - k. Disability Compensation – Disfigurement**
 - l. Not Used**
 - m. Disability Compensation – Attendant’s Allowance**
 - n. Disability Compensation – House and Vehicle Modifications**
 - o. Death Benefits**
 - p. Dual Benefits**
 - q. LWOP Consequences After 365 Days – Separation/Medical Disability Retirement**
 - r. Employee Considerations**
 - s. Retention Rights Under FECA**
 - t. OWCP/DOL Administration of FECA Claims**
 - u. Employee Reference Material**
 - v. Responsibilities**
- a. (U) AUTHORITIES**
 - (1) Title 5 U.S.C., section 8101 et seq.
 - (2) The Code of Federal Regulations, 20 CFR Part 10
 - (3) The Federal (FECA) Procedure Manual
 - (4) The Office of Workers’ Compensation Program Publication CA-810
 - b. (U) PURPOSE.** The Federal Employees’ Compensation Act (FECA) provides compensation benefits to civilian employees of the U.S. government for disability due to personal injury or disease "sustained while in the performance of duty." The FECA also provides for payment of benefits to dependents if a work-related injury or disease causes an employee’s death.

Benefits provided under the FECA constitute the sole remedy against the U.S. for work-related injury or death. A Federal employee or surviving dependent is not entitled to sue the U.S. or recover damages for such injury or death under any other law.
 - c. (U) DEFFINITIONS**

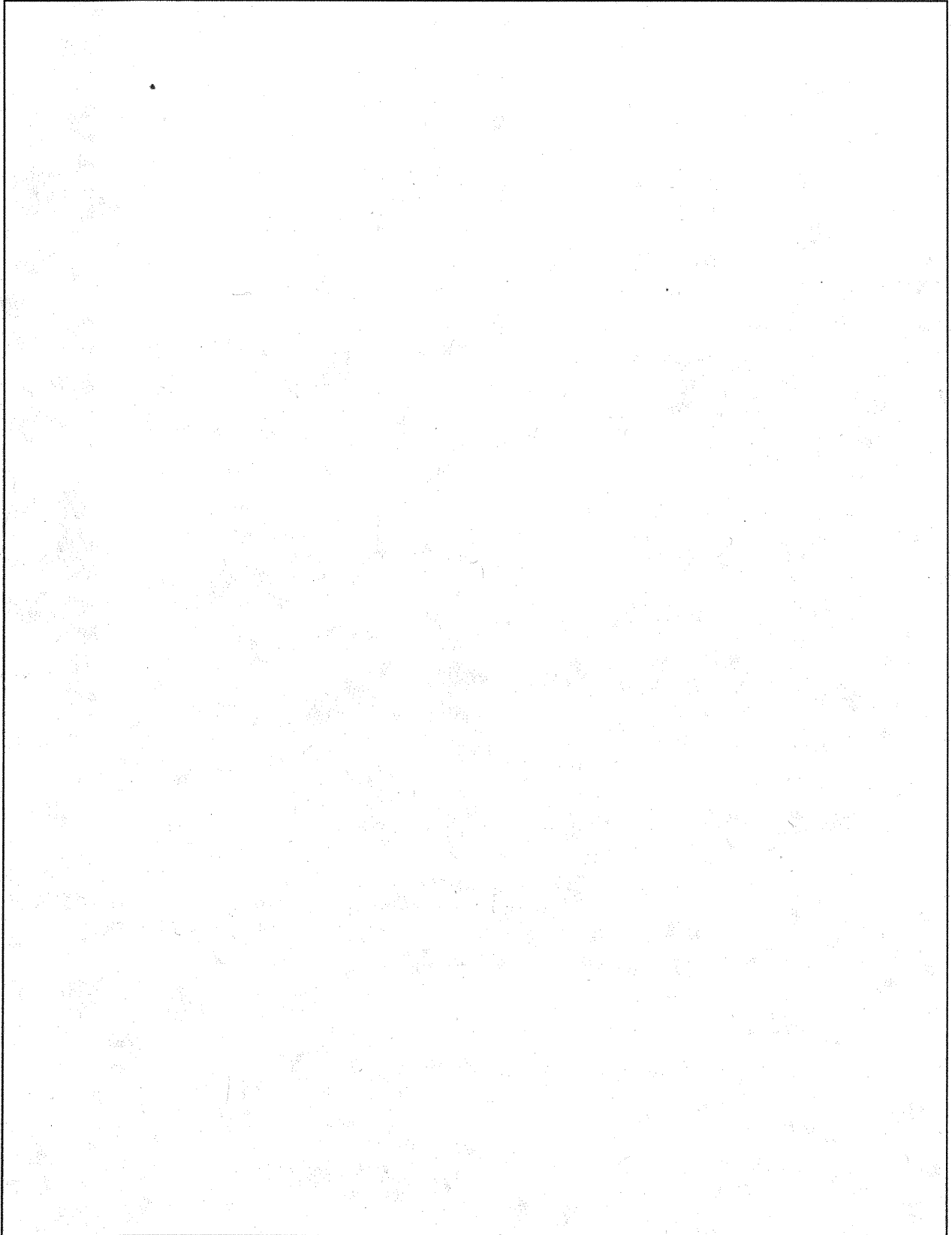
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- (1) **Injury.** An injury by accident or a disease proximately caused by employment.
 - (a) **Traumatic Injury.** A wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable by time and place of occurrence and member of the body affected. The injury must be caused by a specific event or incident or series of events or incidents within a single day or work shift. *The employee must use Form CA-1 to report a traumatic injury claim.*
 - (b) **Occupational Disease.** A condition produced in the work environment over a period longer than one 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. *The employee must use Form CA-2 to report an occupational disease claim.*
- (2) **In The Performance Of Duty.** Directly attributed to or materially aggravated by an employee's work or working conditions.
- (3) **Employee.** A civilian employee of the U.S. government.
- (4) **Temporary Total Disability (TTD).** The inability to return to the position held at the time of injury or earn equivalent wages, or to perform other gainful employment, due to the work-related injury. Except under circumstances in which a permanent total disability is presumed, an employee's disability is always considered temporary pending return to work.
- (5) **Partial Disability.** The ability to return to some gainful employment, but not to the position held at the time of injury (or to a position that would earn equivalent wages) due to the work-related injury.
- (6) **Physician.** Includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by state law. The term *physician* includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation shown to exist by x-ray.

d. (U) CONDITIONS OF ELIGIBILITY

- (1) The Office of Workers' Compensation Programs Department of Labor (OWCP/DOL) reviews employee claims and determines eligibility for benefits under FECA.
- (2) FECA benefits are not payable if the injury or death is:
 - (a) Caused by the employee's willful misconduct; or
 - (b) Caused by the employee's intent to bring about injury or death to oneself or another;
or
 - (c) Proximately caused by the employee's intoxication.
- (3) Employees injured as a result of a war-risk hazard or restraint by a hostile force while employed outside the continental U.S. are eligible for FECA benefits.

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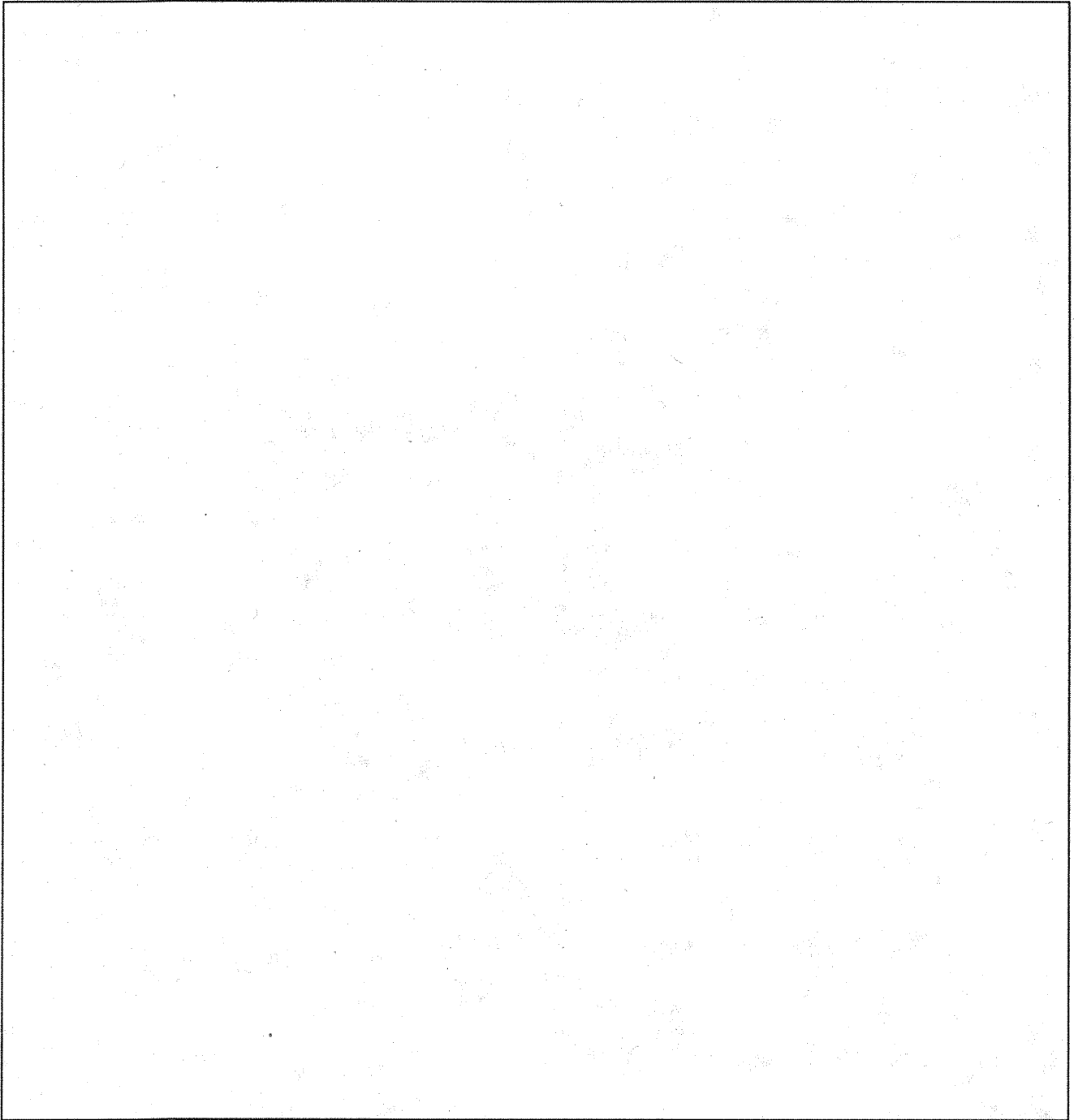


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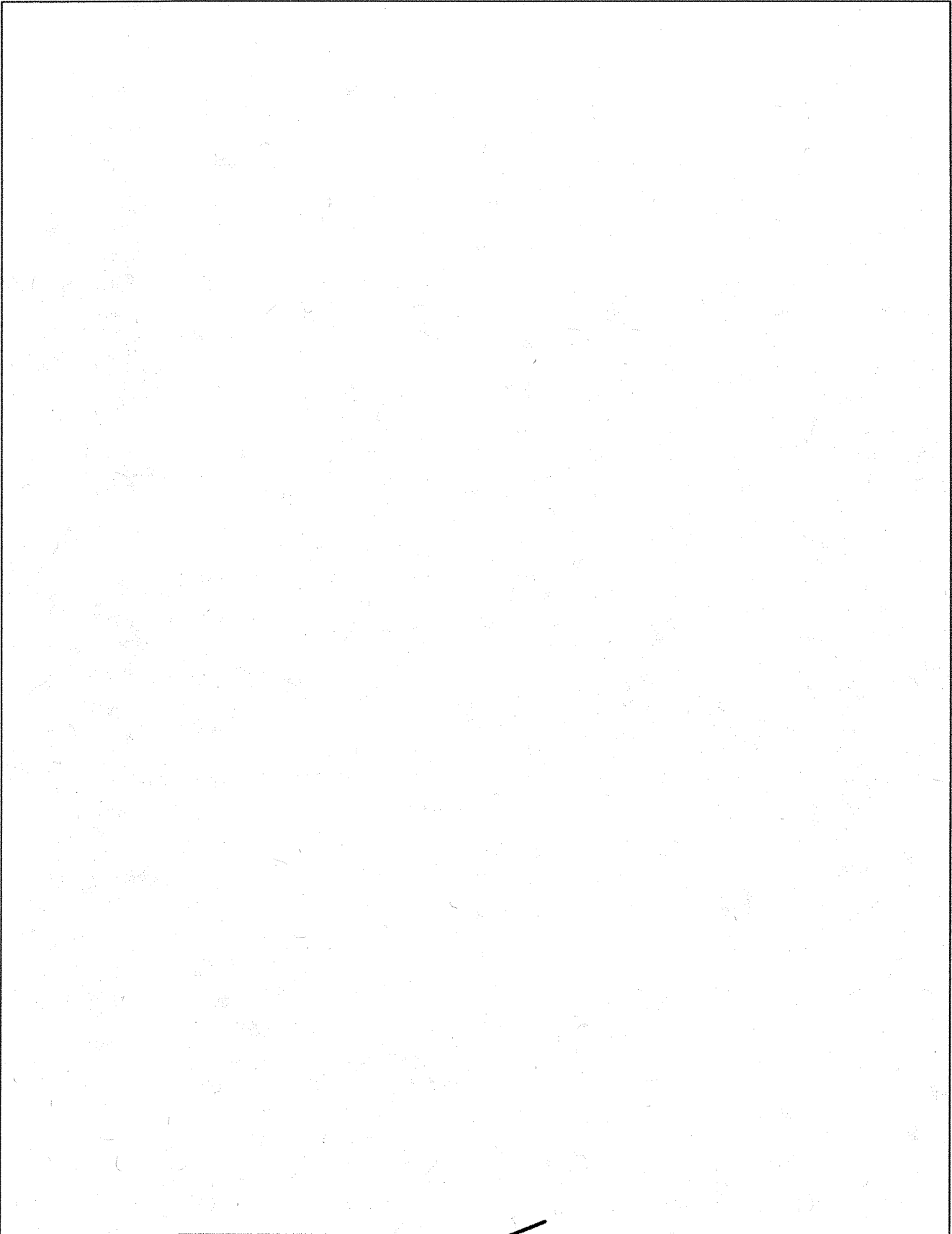


- f. **(U) MEDICAL BENEFITS.** The FECA authorizes medical services for treatment of work-related conditions. No limit is imposed on the amount of medical expenses or the length of time for which they are paid as long as:
- The charges represent the reasonable and customary fees for the services involved; and
 - The need for the treatment can be shown.



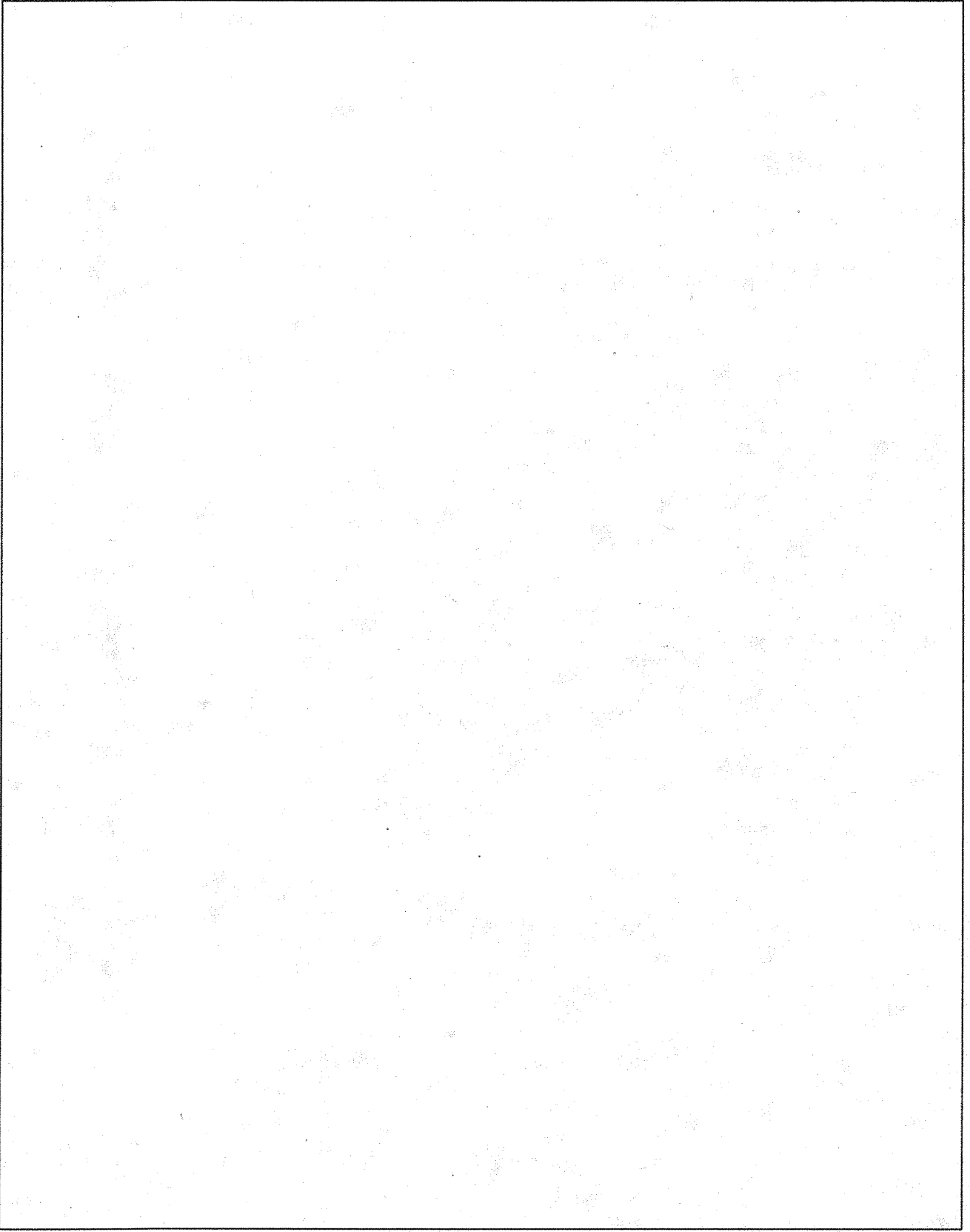
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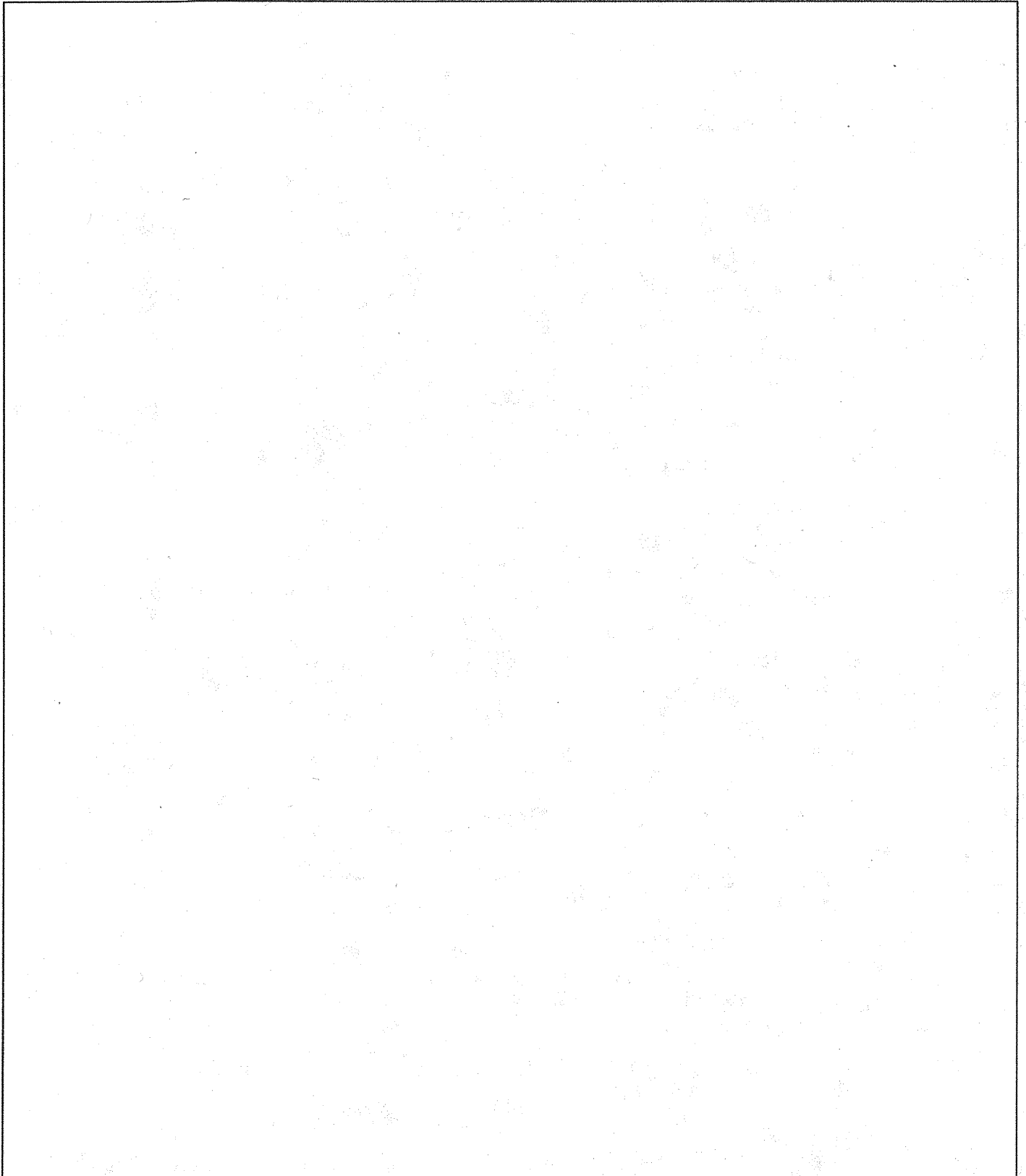
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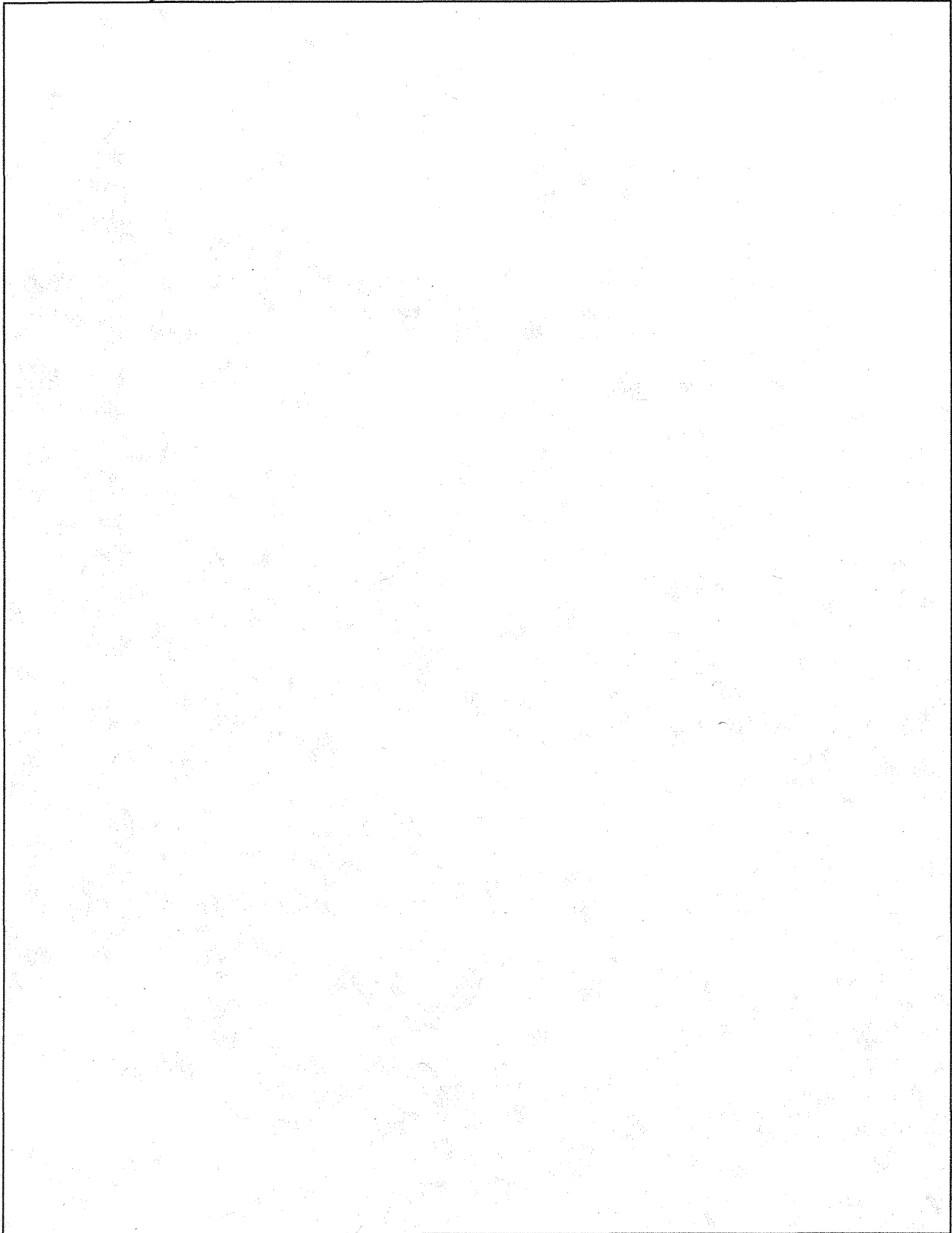
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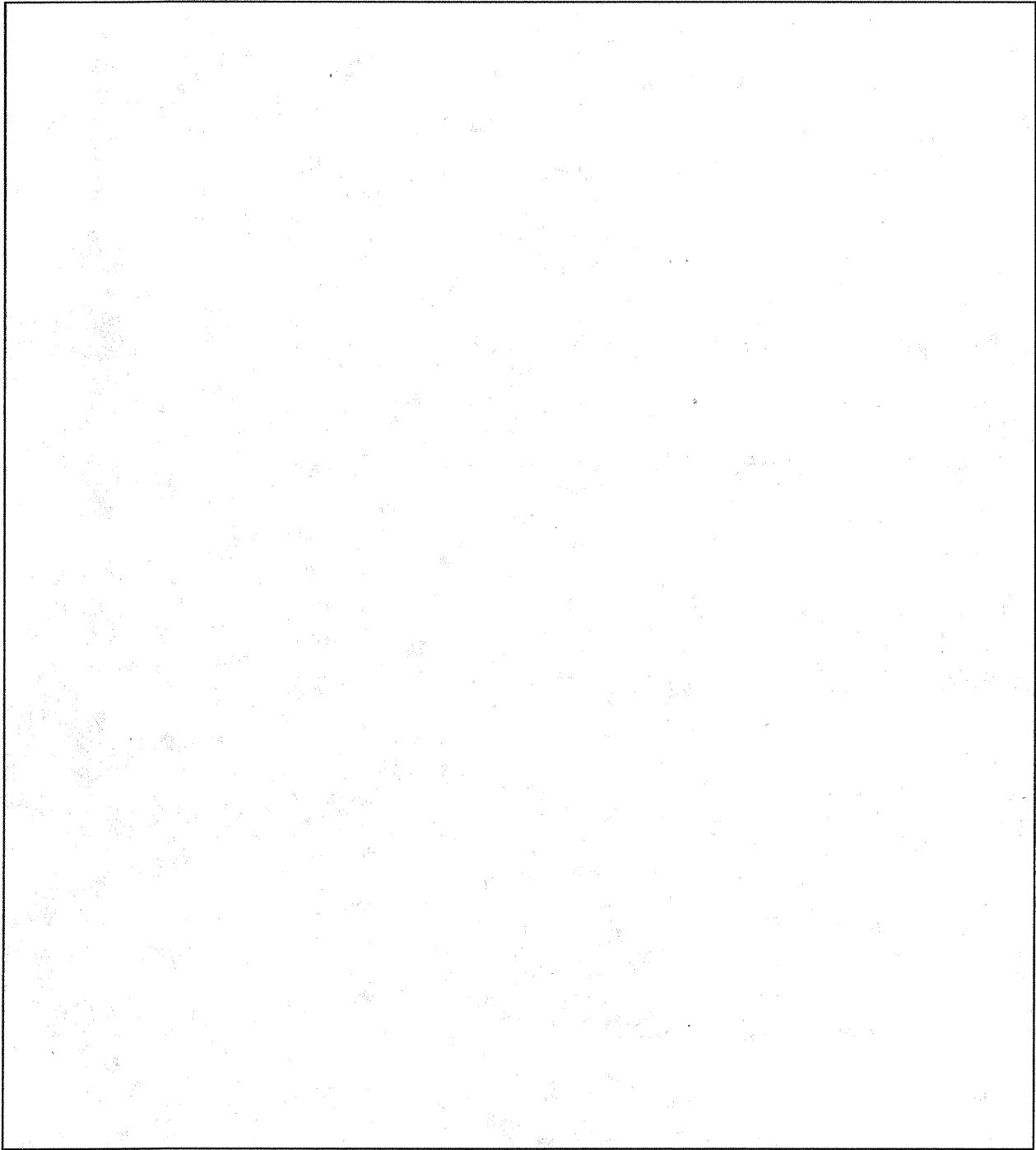
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