



## Time limits for filing a claim

**T**he Federal Employees' Compensation Act (FECA) requires that an original claim for compensation for disability or death must be filed by written notice of injury or occupational disease and file claim for compensation within three years after injury or death.<sup>1</sup> If the claimant fails to meet the time limitations, the claim will be denied, even if it is otherwise valid.

If the claim is not filed within three years, compensation may still be allowed if notice of injury was given within 30 days, or the employer had actual knowledge of the injury or death within 30 days after occurrence. This actual knowledge must place the supervisor reasonably on notice that an on-the-job injury occurred, and OWCP has held that the supervisor may acquire actual knowledge through firsthand observation of the injury, from another employee or from medical personnel at the agency's medical facility. Information addressing the issue of the supervisor's actual knowledge is applicable only when the supervisor did not receive a written claim within three years.

Other exceptions to the three-year time limit apply for a claimant who is a minor, until he or she reaches 21 years of age, or has a legal representative appointed; and for a claimant who is incompetent and has no legal representative appointed.<sup>2</sup>

**Traumatic injury**—An employee, or someone acting on the employee's behalf, is required to file a written claim of traumatic injury within three years after an on-the-job injury. OWCP Form CA-1 should be used for this purpose. Since a traumatic injury can be identified as to time, place and circumstances, time begins to run from the actual date of injury.

Even though an employee has three years to claim a traumatic injury, all traumatic injuries should be reported on a Form CA-1 as soon as possible and definitely within 30 days. If a notice of traumatic injury is not filed within 30 days of the date of injury, the employee loses the right to receive continuation-of-pay (COP) benefits.

**Occupational disease**—An employee, or someone acting on the employee's behalf, is required to file a written claim of occupational disease within three years. OWCP Form CA-2 should be used for this purpose.


The time limits for an occupational disease case begin to run when the employee is aware, or by the exercise of reasonable diligence should have been aware, of the disease

and its causal relationship to the employment. In many situations, time begins to run when a physician tells the employee that he or she has a disease that may be work-related. However, in situations where the employee continues to be exposed to injurious employment conditions, time does not begin until the last date of such exposure.

If a disease results in a latent disability, which is a condition that does not show outward appearances until some time after the related employment factors have ended, then time does not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware, of the causal relationship of the compensable disability to his or her employment.

There is no "penalty" for failure to file a written claim for an occupational disease within 30 days, as COP benefits are not payable in occupational disease cases.

**Exceptional circumstances**—The requirement for filing a timely claim in traumatic injury or occupational disease cases may be excused by OWCP on the grounds that the claim "could not be given because of exceptional circumstances." Being a prisoner of war for the entire three-year period is the only example of an exceptional circumstance that is published by OWCP. ECAB has ruled that lack of awareness of possible entitlement, lack of information, or ignorance of the law or of one's rights and obligations under it do not constitute exceptional circumstances that excuse a failure to file a timely claim.<sup>3</sup>

Always provide written notice of an injury to your supervisor within 30 days and always file written claims as soon as possible. 

1. 5USC8122.a, 20CFR10.100.b

2. 5USC8122.d

3. G.S. & Dept. of Army (06-1882 - 1-4-07)

Merry Christmas!  
Happy Hanukkah!  
Happy New Year!

from the  
Compensation  
Department

