



Dual benefits

The law provides that compensation may not be paid concurrently with certain benefits paid by other federal agencies. A letter carrier who suffers an on-the-job injury may be entitled to benefits under the Federal Employees' Compensation Act (FECA) and various other sources for the same injury at the same time. Some of these other sources are: Civil Service Retirement System (CSRS)/Federal Employees' Retirement System (FERS) disability retirement and/or spouse benefits, veterans' disability or death benefits, and Social Security. Some of these benefits can be collected by an injured carrier at the same time that he/she is collecting OWCP benefits, while others are prohibited and considered to be a dual benefit.

The following benefits are considered "dual benefits" and require an election:

CSRS and FERS—CSRS/FERS annuity benefits provided by the Office of Personnel Management (OPM), either regular retirement or disability retirement, cannot be collected by an injured carrier who is currently receiving workers' compensation benefits. The employee must make an election between workers' compensation benefits and retirement benefits. Once an election is made, it can be revoked at any time. If OPM benefits are elected, the employee is still entitled to have medical expenses for treatment of the accepted condition(s) paid by OWCP.

This means that you could apply for both benefits and elect to receive OPM disability benefits while you are waiting for OWCP to adjudicate and approve your claim. Once OWCP approves your claim for a work-related injury, you will have to decide which benefit is more financially beneficial to you and notify both OWCP and OPM of your election in writing.

You should also note that a schedule award payable by OWCP for the loss or loss of use of a member or function of the body is payable concurrently with OPM benefits.

CSRS/FERS survivor benefits—OWCP does not consider the election of OPM benefits to be irrevocable. However, OPM considers an informed election of death benefits provided by OWCP to be irrevocable. This means that once a survivor selects OWCP benefits, he/she cannot change his/her mind and start receiving OPM survivor benefits at a later date.

Where a survivor is entitled to both an OPM annuity in his or her own right because of his or her own federal service and an entitlement to death benefits under OWCP for a spouse, no election is required between the two benefits.

Veterans' disability or death benefits—The election is irrevocable only in those cases where the disability or death of the employee has resulted from an injury sustained in civilian employment by the United States, and the Department of Veterans Affairs has held that the same disability or death was caused by military service. What this means is that the VA has determined that the disability or death was caused by events or hazards experienced during military service and OWCP has determined that the same disability or death is related to the employee's civilian employment. An injured worker may be entitled to both benefits; however, once an election is made, he or she cannot switch back to the other.

The following benefits are not considered "dual benefits" and may be received in addition to OWCP benefits:

Military—There is no limitation on the right to receive OWCP compensation because of the receipt of a pension for military service in the armed forces. There is also no limitation on the right to receive OWCP compensation concurrently with retainer pay, retirement pay or equivalent pay for service in the armed forces or other uniformed service.

Social Security Act benefits—Injured employees receiving a Social Security disability benefit shall have their Social Security benefit reduced by the amount of OWCP compensation that is payable.

If an injured carrier is receiving regular Social Security benefits and is covered under FERS, the OWCP benefits will be reduced by the amount of Social Security attributable only to their service with the U.S. Postal Service. The same holds true for a survivor of a FERS employee who is receiving Social Security spousal benefits. Their OWCP benefits for the death of an employee will be reduced by the amount of Social Security attributable to the employee's federal service.

Details about dual benefits are found in Section 2-1000 of the FECA FPM-PT2 Claims, which can be found on the Compensation page at nalc.org. ✉