



New FECA regulations

The Office of Workers' Compensation Programs (OWCP) has published new regulations for the administration of the Federal Employees' Compensation Act (FECA) that become effective Aug. 29.¹ These are the first new regulations since 1999.

Some of the more significant changes are:

20 CFR 10.5.x was changed to clarify the definition of "Recurrence of Disability." The following language was added to the definition:

A recurrence of disability does not apply when a light-duty assignment is withdrawn for reasons of misconduct, non-performance of job duties or other downsizing or where a loss of wage-earning capacity determination as provided by 5 U.S.C. 8115 is in place.

20 CFR 10.7 added new forms: CA-3-Report of Work Status, CA-20a-Attending Physician's Supplemental Report.

20 CFR Sections 10.100, 10.101, 10.102, 10.103 and 10.105 all have been revised by an identical provision that allows for electronic submission of notices and claims forms. This change includes a provision that all agencies should create a method to submit such forms electronically by Dec. 31, 2012.

20 CFR 10.104 was revised to clarify what constitutes a recurrence of disability and to explain the basis for a modification of a loss of wage-earning capacity determination.

20 CFR 10.111 has been amended to reflect the change in law regarding waiting periods and Postal Service employees incorporated in the 5USC8117. It makes clear that postal employees can use AL, SL or LWOP for the three-day waiting period.² (This change also is reflected in sections 10.200 and 10.401.)

20 CFR 10.127 has been amended to require OWCP to mail decisions to the claimant and also to the claimant's authorized representative. Previously, the language required that decisions be mailed to either the claimant or their authorized representative.

20 CFR 10.300 has been amended to clarify that the Form CA-16, which provides authorization for initial medical treatment, authorizes treatment from the date of injury, not the date the form was signed. This change corrects situations where this form has not been signed

immediately, which posed difficulties for employees obtaining treatment at the time of injury.

20 CFR 10.315 has been changed to increase the reasonable distance of travel up to a round trip distance of 100 miles to obtain authorized medical services. Previously, a round trip within 50 miles was considered a reasonable distance.

20 CFR 10.404 has been revised to include the skin as a schedule member for injuries sustained on or after Sept. 11, 2001.

20 CFR 10.413 has been changed to codify that a claim for a schedule award must be filed while the claimant is still alive.


20 CFR 10.525 has been amended to clarify that an employee who is receiving compensation for partial or total disability must report all employment activities.

20 CFR 10.526 has been amended to clarify that an employee who is receiving compensation for partial or total disability must report all volunteer activities.

20 CFR 10.607 has been modified by changing the date of the reconsideration request for timeliness purposes. The new language says that OWCP must receive the request for reconsideration within one year of the date of the OWCP decision for which review is sought. Previously, the postmark was used to determine timeliness of reconsideration requests.

20 CFR 10.622 has been amended to accommodate alternative forms of hearings via videoconference and teleconference.

20 CFR 10.809 has been modified by providing OWCP the authority to require the use of a specific contract provider for medicinal drugs.

This is a list of only the more significant changes—many other changes will also become effective on Aug. 29. For the complete list, please see the referenced pages in the *Federal Register*. 

1. 20 CFR (Code of Federal Regulations) Parts 1, 10 and 25; published in the *Federal Register* (Vol. 76, No. 124), June 28, 2011. OWCP published proposed revisions to the regulations in the Aug. 13, 2010, *Federal Register* (75 FR 49596)—for public comment. President Rolando submitted comments regarding the proposed revisions on Oct. 12, 2010. These and other comments submitted to OWCP are discussed in the "Summary" portion of the June 28, 2011, final rule (pages 37898-37901).

2. See the April 2007 Compensation Department article in *The Postal Record* for more information about the three-day waiting period.