

Developing issues: OWCP suspension of USPS access to information

Last month's column addressed the suspension by the Office of Workers' Compensation Programs (OWCP) of Postal Service access to on-the-job injury claim data and documents. This column provides additional information regarding that suspension. It is important, however, to begin by emphasizing this: The suspension in no way diminishes the rights of injured workers to OWCP benefits, nor the requirement for the Postal Service to comply with its obligations under the Federal Employees' Compensation Act (FECA).

Claim numbers—The FECA requires the Postal Service to submit claims for wage-loss compensation (Form CA-7) to OWCP within strict time limits (five working days), and to submit to OWCP any relevant information regarding a claim that it obtains. Postal Service compliance with these obligations is critical because without a CA-7, OWCP will not know that there is lost time and so it will not pay wage-loss compensation. Without relevant information, OWCP may incorrectly adjudicate a claim.

It is in the interest of injured workers to ensure that the Postal Service is able to place the OWCP claim file number on every document it sends to OWCP (after a CA-1 or CA-2 has been sent). Without the claim number appearing on a document, there is a good chance that OWCP will not direct the document to the correct claim file.

When OWCP receives a CA-1 or CA-2 filed by a letter carrier, its system automatically mails a notice to the injured worker with a claim number and a notice to the Postal Service with the claim number, but without the name of the injured worker. In the past, the Postal Service could simply enter the claim number into OWCP's Agency Query System (AQS) and associate the number with the employee's name. Now, however, the Postal Service does not have access to AQS.

As a result, NALC recommends that when a letter carrier receives the mailed notice from OWCP that provides the claim number, he or she should provide a copy of the notice to the Postal Service.

Third-party claims—The FECA requires claimants, for any injury caused by a person other than the United States (a "third party"), to pursue the third party and attempt to recover damages. Any recovery must be reported to determine whether a portion of the recovery is required to be paid to the United States as reimbursement for the FECA benefits that have been paid because of that injury.

Since 1980, a memorandum of agreement between the Postal Service and OWCP has authorized the Postal Service to administer the third-party aspect of FECA claims for its employees. However, OWCP has terminated the memorandum of agreement. As a result, the Postal Service will no longer have any responsibility for FECA third-party mat-

ters. Effective July 1, 2013, all third-party matters, including those involving Postal Service employees, will be handled by the Department of Labor.

Postal Service employees with questions or information regarding a FECA third-party claim should contact DOL by calling 202-693-5320 or by faxing a letter to the attention of the FECA Subrogation Unit to 202-693-5360. OWCP has posted information about this matter at the following address: dolgov/owcp/dfec/uspsthirdparty.htm.

Prescription drugs and other medical services—The Postal Service has contracts with large corporations that act as middlemen for the provision of certain medical services to employees with on-the-job injuries: PMSI for prescriptions, Coventry for durable medical equipment and Align Networks for physical therapy. OWCP has set fee schedules for paying medical providers. For instance, for each prescription, OWCP pays 95 percent of the average wholesale price plus a \$4 fixed dispensing fee.

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PMSI, Coventry and Align Networks contract with providers (e.g., pharmacies in the case of PMSI) who agree to accept less than the OWCP fee schedule amount; the corporations then receive the full fee schedule amount from OWCP and share the difference with the Postal Service.

Injured employees are not required to use PMSI, Coventry or Align Networks. Doing so is entirely voluntary. OWCP has advised that the suspension may cause the Postal Service difficulties with these programs. OWCP has posted the following advice online:

If you experience difficulty with your pharmacy, physical therapy, or durable medical equipment card, give your FECA claim number to the medical provider and have them bill OWCP through the central bill pay system (ACS). Our website contains information for providers including how to register with ACS.

The NALC is committed to ensuring that its members receive the necessary advice and assistance with on-the-job injury claims. Members with questions, concerns or problems related to the OWCP suspension or specific to their claims should contact their branch OWCP specialist or their national business agent.