

# What injured carriers should do if approached by the OIG



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**T**he two previous compensation articles followed the story of Charlie, a letter carrier recovering from an ankle injury. Unbeknownst to Charlie, he was also secretly being investigated for possible workers' compensation fraud. As you may have guessed, Charlie is a fictional carrier. However, the issues Charlie was confronted with are all too real.

The Postal Service has one of the highest injury rates for federal agencies. The Postal Service's workers' compensation costs totaled approximately \$1.3 billion in fiscal year 2015. That's a big number, and to control these costs the Postal Service has instituted various cost-control measures.

To address the overall inflation in health care costs, injured workers are offered a prescription drug payment card and access to a physical therapy provider. Both the prescription drug and physical therapy programs are run by private contractors.

To reduce occupational injuries, the Postal Service rolled out an ergonomics program in 2003. Not all postal districts continue to use the ergonomics program. That is unfortunate, as the program was proven to prevent injuries and lowered compensation costs. The ergonomics program was a positive step in the right direction toward preventing injuries and lowering compensation costs.

But that's not the direction the Postal Service is heading. Instead, the Postal Service Office of Inspector General (OIG) has an aggressive program to monitor injured workers for possible health care fraud. The monitoring includes inspection of claim files, video surveillance and interrogation of health care providers.

The OIG's 2016 Budget Justification outlines the tools used in these efforts:

...[W]e have developed a number of data analytics model tools to more quickly identify fraud. The Healthcare Claimant Risk Analysis data analytics risk model is a predictive statistical model developed to identify Office of Workers' Compensation Programs (OWCP) claimants with a high probability of fraud based on historical OIG OWCP claimant investigations.

In FY 2014 alone, the Healthcare Claimant data analysis risk model has identified numerous leads resulting in over 120 investigations opened by our investigators.

The situation our letter carrier, Charlie, faced is typical of the situations faced by real injured workers under investigation by the OIG. Take, for instance, Charlie's meeting with the supposed vocational rehabilitation contractors. OWCP has

the right to require an injured letter carrier to cooperate with vocational rehabilitation efforts. If injured workers fail to cooperate with required vocational rehabilitation efforts, they can lose their benefits. Charlie had no choice but to comply.

During the meeting, Charlie was asked to fill out a Current Capacity Evaluation, Form CCE. When questioned about his current condition, Charlie said that he had good days and bad days. That's largely true for all of us, whether we are injured or not. Charlie also explained how he followed the advice of his physical therapist and exercised by walking around his neighborhood.

Here's the rub: In many instances, exercises given by physical therapists exceed the work restrictions provided by a doctor. This has not deterred OIG agents from alleging fraud when injured workers follow a physical therapist's or doctor's directions, and perform exercise or daily life activities that exceed the medical limitations placed on work activities. Recently, OIG agents have been making direct contact with injured workers, confronting them on the street or at their homes. In many cases, the OIG then charges them with violating medical restrictions.

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**So what should injured workers do when confronted by the OIG?**

First, if the agents identify themselves as OIG agents and ask questions, you will reasonably have a belief that discipline might result and thus should invoke your Weingarten rights by requesting your shop steward be present. Advise the agents that you will answer their questions, but only after your shop steward arrives.

All injured letter carriers should assume that they are being videotaped and that their confidential medical records are being monitored. Assume that when an OIG agent confronts you, the agent has hours of videotape documenting your every move.

Should you get scheduled for an interview such as Charlie did, immediately consult a shop steward, branch officer or your national business agent's office for advice.

Injured workers like Charlie just want to heal and return to work. That process can be taxing enough by itself.

The Postal Service could do more positive things to reduce workers' compensation costs. More injured workers could be assigned to limited-duty positions. Resources spent on safety initiatives could result in fewer injuries. Wouldn't it be more efficient for USPS to focus on reducing injuries and finding limited-duty jobs for injured letter carriers?