

Accessing injury compensation files



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Many years ago, an injured letter carrier asked to meet me for advice about her workers' compensation claim. I had been helping carriers in my branch for a few years and was accustomed to members showing up with paper bags full of unsorted documents.

I had grown to accept this as a natural consequence of the life of an injured worker, as active claims can generate a lot of documents from a variety of sources.

Surprisingly, this letter carrier walked in with two three-ring binders that had every claim document in order by date. I was ecstatic. It's much easier to understand the facts in a case when you can follow the claim history, document by document.

OWCP maintains a file for every claim. Those files contain digital copies of every document sent to the claimant including claim forms; medical reports submitted by doctors; correspondence sent from the Postal Service, claimants and claimants' representatives, and other case-related documents. The OWCP file also logs every phone call connected with the claim.

Claimants can request a copy of their OWCP file by writing a letter to the OWCP district director. The letter must be signed and dated by the claimant or the claimant's representative. OWCP will normally mail a compact disc containing the claim file in 30 days or less. You can find a sample file request on the "Injured on the Job" page at nalc.org.

The Postal Service is also required to maintain files for every claim. Postal Service claim files are property of OWCP, not the Postal Service, and are protected by the Privacy Act.

My June *Postal Record* article about the OIG investigation of the Postal Service's handling of workers' compensation forms raised concerns for injured workers who filed injury claims, whether accepted or denied.

In the OIG report, Postal Service personnel were found to have altered important information on claim forms. While some of these changes may have been favorable to the injured worker, federal regulations explicitly state that employers have no authority to change or alter documents without OWCP approval.¹

It is important for injured workers to carefully read claim form instructions and accurately complete all of the sections on a claim form. Submitting forms with incorrect information can cause costly delays in getting claims accepted and benefits paid.

If the employee's portion of a form is incomplete, the injury compensation specialist should contact the employee, employee's representative or supervisor for the missing information.² However, any Postal Service

personnel who perceives an error in the employee portion of a claim form are prohibited from altering the form.

Once the claimant gives the form to his or her supervisor, regulations require that the Postal Service fill out the agency portion of the form and submit the completed form within a specific time period, regardless of what the claimant has entered on his or her portion of the form.³

Injured workers have the right to review Postal Service files connected to their claim. Regulations specifying how claimants can review the Postal Service OWCP claim file is found in the *EL-505 Injury Compensation Handbook*, Chapter 12.

A written request should be sent to the Injury Compensation Office. The review must be done off the clock, during normal Injury Compensation Office business hours.

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When the Postal Service receives the request, the Injury Compensation Office must schedule an appointment for the earliest possible date, but not more than 10 working days from the date of request.

If the injured worker wants another person to join him or her, the injured worker must sign a statement that authorizes the person to be present during his or her review of the specific record or records. An Injury Compensation Office employee will be present during the review.

Just like the Postal Service, claimants and their representatives are prohibited from removing anything from the file.

However, if the claimant wants to make copies, the Postal Service must furnish the first 100 pages without charge. After that, a fee of 15 cents per page may be charged for any copies. If you find altered documents in your Postal Service claim file, contact your branch or national business agent's office for further guidance.

1. 20 CFR 10.13. What process is used by a person who wants to correct FECA-related documents.

2. *EL-505 4-4*. Review CA-1 for completeness and accuracy. If it is incomplete, contact the employee, the employee's representative or the employee's supervisor for the missing information.

3. *EL-505 4-4*: "Under no circumstances may ICCO personnel revise any information submitted by the injured employee or by his or her representative or delay submission of the CA-1 to the OWCP within 10 working days from the date received by the supervisor."