

Injured on the job? Let an RWCA, not a lawyer, handle the claim



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There are more than 100,000 claims filed by injured federal workers every year. Letter carrier claims account for more than 10 percent of the total. While the Office of Workers' Compensation Programs (OWCP) is responsible for processing claims and providing medical and wage-loss benefits, the bill for those benefits is ultimately paid by the Postal Service. Last year, the Postal Service sent a \$1.4 billion check to OWCP to cover the combined medical and wage-loss compensation for all postal employees.

That number has not gone unnoticed by people eager to tap into the stream of money flowing between OWCP and the Postal Service. It seems like every year a new organization pops up offering workers' compensation services to injured workers. These organizations are run by a variety of people including doctors, lawyers and chiropractors. Some claim to employ former OWCP claims examiners to assist in getting claims accepted.

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These organizations get funded in a number of ways. Some employ their own doctors and make a profit by handling the billing to OWCP and extract a percentage of the billing paid. Injured workers' benefits are normally not affected by those organizations. These organizations offer one-stop shopping for injured workers and claim to have “experts” who will help manage your claim. The names of these “experts” are difficult, if not impossible, to find.

Lawyers who advocate for injured workers are regulated by OWCP and must submit detailed billing statements for the time spent on each claim. It is explicitly against the law for a lawyer handling an OWCP case to request a retainer fee from an injured worker. When an attorney handles your case, the billable hours are paid by the injured worker from their compensation.

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NALC employs eight full-time Regional Workers Compensation Assistants (RWCAs) to help members who suffer on-the-job injuries. RWCAs do nothing but research

and advise injured members with claim development, billing issues, appeals and schedule awards. In the past two years RWCAs have assisted NALC members in receiving over \$11 million in schedule awards.

To receive assistance from an RWCA, injured workers should contact their national business agent (NBA).

The profusion of organizations and lawyers offering assistance to injured workers has not gone unnoticed by OWCP. Last year, OWCP released two Federal Employees' Compensation Act (FECA) bulletins regarding fraud. The first, *FECA Bulletin 17-04*, focused on investigations related to claimant fraud. The second, *FECA Bulletin 17-05*, focused on investigations related to medical fraud, primarily fraudulent billing practices.

To identify potential fraud cases, OWCP accepts referrals from the Department of Labor's Office of Inspector General (DOL OIG), OWCP's Program Integrity Unit and non-DOL OIG such as the Postal Service OIG. The DOL OIG investigates all referrals and decides what actions are appropriate.

Several organizations offering help to injured workers have been investigated and indicted for FECA fraud. Many of the cases involve improper billing, bribes and kickbacks involving OWCP, Medicare and Medicaid.

The renewed attention to medical provider fraud is a welcome change at OWCP. There is a myth that injured workers are slackers, content to sit at home and collect workers' compensation. In fact, most injured letter carriers return to work as soon as they are physically capable of doing so. We should be thankful that OWCP is finally investigating the real fraud in the system.

If you are reading this column, you are likely an NALC member. Members do not need lawyers or organizations to assist them with their claims. OWCP benefits belong to the injured worker, not to a lawyer or organization. Your RWCAs are all fellow letter carriers who learned their skills through enforcing the contract. RWCAs continually develop expertise in the claims process.

Changes at OWCP

OWCP is changing the way claims are handled. In the past, various functions of each claim, medical development, wage-loss compensation, etc., were handled by different examiners. This led to a dysfunctional compartmentalization of the claims process, which in turn led to lengthy delays and other problems. Anyone who has had an OWCP claim knows exactly what those problems are.

Beginning Oct. 1, every claim will be handled by just one examiner. OWCP refers to this as “end to end” claims management. To make this change effective, OWCP has spent the last year training every claims examiner in every facet of the process.

We hope that this change will provide greater efficiency in the claims process and accountability at OWCP. Stay tuned.