

Contract Administration Unit

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Give OWCP claims a firm footing

When a letter carrier gets injured on the job, the Postal Service has certain obligations under the law that are incorporated into the National Agreement and into postal handbooks and manuals. If management fails to meet its obligations, such as providing the appropriate forms to an injured employee, it can have a profound and lasting effect on the carrier. This is because when the Office of Workers' Compensation Program (OWCP) adjudicates the injured carrier's claim, the burden of proof is on the carrier. In the view of OWCP, defects to the claim will be the carrier's responsibility to fix, not the Postal Service's. It is important that the Postal Service comply with the laws and regulations to ensure that the injured carrier gets off to a good start with his or her OWCP claim. That usually starts with an attentive and educated shop steward.

After a traumatic injury, the *Employee and Labor Relations Manual (ELM)* Section 544 places responsibilities on the immediate supervisor that include providing the carrier with Form CA-1, *Notice of Traumatic Injury*. *ELM* 544.111 states:

When a notice of traumatic injury or occupational disease is filed, the immediate supervisor is responsible for doing the following:

- a. Immediately ensuring that appropriate medical care is provided.
- b. Providing the employee a Form CA-1 or a Form CA-2.
- c. Completing the receipt attached to Form CA-1 or CA-2 and giving the receipt to the employee or the employee's representative.
- d. Investigating all reported job-related injuries and/or illnesses.
- e. Immediately notifying the control office or control point of an injury, disease, or illness.

Prompt completion and forwarding of Form CA-1 or CA-2 to the control office or control point on the same day it is received from the employee.

The next provision, *ELM* 544.112, states that management must advise the employee of the right to select a physician and the right to elect Continuation of Pay (COP). These are both important so that the injured employee will have a source of income if he or she becomes disabled from the injury and can be treated by the physician best suited to do so.

ELM 544.12 is another important provision, requiring the Postal Service to notify an employee if COP will be controverted (disputed) and if pay will be interrupted. A carrier who suffers a traumatic injury and elects COP should not find out from a blank paycheck that COP was not provided. *ELM* 544.12 states in part:

The control office or control point must advise the employee whether COP will be controverted and whether pay will be interrupted. The control office must provide the employee a copy of the completed CA-1 or CA-2 and all correspondence between the Postal Service and the treating physician.

Management has an obligation to timely submit claim forms to OWCP as well as other information that might have a bearing on the OWCP claim. *ELM* 544.212 states:

The control office or control point submits to the appropriate OWCP district office within 10 working days after it is received from the employee:

- a. Completed Form CA-1 or Form CA-2.
- b. Any other information or documents that have some bearing on the claim.

Because *ELM* 544.111.d and *ELM* 821.21 places a responsibility on management to investigate injuries and accidents, any relevant documentation generated from the investigation should also be submitted to OWCP, such as pictures of the location and witness statements, if any. This evidence and documentation helps substantiate the facts of an OWCP claim.

In the event of a traumatic injury that requires medical examination and/or treatment, the Postal Service must authorize examination/treatment by issuing Form CA-16, Authorization for Examination And/Or Treatment, in accordance with *ELM* 545.21. Form CA-16 provides assurance to medical providers and the injured carrier that the Postal Service will pay medical bills for up to 60 days unless terminated earlier by OWCP. This form also is important because Part B of the form is the Attending Physician's Report. This helps the injured carrier get important medical information specific to an OWCP claim that is usually missing from a standard medical report.

In most cases, OWCP will require additional medical documentation prior to accepting the claim, but the documentation generated from the first few days of an injury is vital to establishing a strong foundation for any injury claim. Injured carriers rely on medical benefits and modest wage-loss compensation when disabled, and it all starts when management provides the appropriate forms. Stewards who enforce the basic rights outlined will see more successful OWCP claims.

The provisions in *ELM* 540 can be enforced via Articles 19 and 21.4 of the National Agreement.