

COVID-19 and letter carriers: The end of the world as we know it



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Over the past two months, the world as we know it has changed. While most Americans have been sheltering in place, a grateful nation watches as letter carriers keep us connected by delivering mail, medicine and parcels. I am continually amazed at the dedication and persistence of letter carriers in these extraordinary times.

The costs borne by essential workers like hospital workers, grocery clerks and letter carriers have been enormous. The coronavirus has not spared anyone, including letter carriers. As I write this, around 800 letter carriers have tested positive for the virus and many more may be infected without knowing it. Fourteen letter carriers have died from the virus.

Businesses have been lobbying Congress to grant them sweeping immunity from civil liability for failure to adequately protect workers and customers from infection. Fortunately, letter carriers suffering from COVID-19 contracted at work are protected by the Federal Employees' Compensation Act (FECA).

Thus far, the Postal Service's response to COVID-19 claims has been to controvert and challenge most claims, which has lengthened the time it takes to get a claim accepted. The Postal Service can controvert a claim in Section 36 of the supervisor's portion of the CA-1. The form requires that the reason for the controversion be stated in detail. The Postal Service often writes a controversion letter to accompany the claim form.

In many cases, the injured worker does not know that the claim has been controverted. However, the Postal Service is required both by federal law (20 CFR 10.211.c) and the *ELM* (547.75.e) to notify the worker of the controversion. Failure to provide notification of the controversion is a violation that should be investigated and grieved.

The Postal Service can also challenge a claim, and generally does so via a letter to OWCP. In the USPS handbook *EL-505*, Section 8-5 mandates that the Postal Service notify the employee, in writing, that his or her claim is being controverted or challenged. Failure to do so is a violation that should also be investigated and grieved.

Claims are often denied when a controversion or challenge is not rebutted. Therefore, it is important that injured workers closely monitor what the Postal Service does in every claim. The Postal Service is obligated to provide a copy of the completed CA-1 or CA-2 to the injured worker. Despite this requirement, injured workers should always request a copy after filing the claim.

Responding to controversions and challenges is the re-

sponsibility of the employee, as OWCP places the burden of proof on the injured worker in every claim. It often takes little more than a simple letter to refute controversions and challenges.

From the cases we have seen, most letter carriers who have filed COVID-19 claims are being sent 30-day development letters. Development letters give injured workers 30 days to provide updated medical documentation and answer questions posed by claims examiners.

The pandemic has changed our entire health care system. Doctors have canceled appointments, hospitals have canceled elective surgeries and medical care for many injured workers has been put on hold. The inability to attend medical appointments can be problematic for injured workers who need to respond to 30-day development letters.

In a rare change of policy, OWCP now is accepting telemedicine reports for injured workers. Some (but not all) doctors have transitioned seamlessly to telemedicine and can provide medical reports when needed. If you need a medical report for OWCP, you should contact your doctor's office and request a telemedicine appointment. If your doctor is unable to schedule a telemedicine appointment, you should notify OWCP immediately. In COVID-19 cases, OWCP has begun listing telephone numbers at the bottom of the development letter so that injured workers can request additional time by phone. OWCP has indicated that they may extend time limits when properly notified.

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A key piece of every claim is the employee's statement as to the nature of the injury. Despite a worker's best attempts at social distancing, it may be impossible to avoid close personal contact at work. In COVID-19 cases, the employee narrative needs to detail every point of close personal contact with co-workers in the office and customers on the route during the course of the workday.

The Postal Service saves a lot of data relative to a letter carrier's daily duties. Copies of employees' work schedule and workhour/workload report for the two weeks prior to a COVID-19 infection should be uploaded into the claim file via ECOMP. If you are unable to do so, contact your shop steward, branch OWCP officer or national business agent's office for assistance.

As we all work our way through this pandemic, NALC is committed to helping every member with his or her OWCP claim. Do what you can to practice social-distancing habits at work and at home. You save lives by doing so. We are all in this together.