



## VA benefits and OWCP

**M**ilitary veterans who suffer a workplace injury while carrying mail are protected by the Federal Employee's Compensation Act (FECA). The Office of Workers' Compensation Programs (OWCP) is responsible for adjudicating claims under the FECA.

It can be confusing when a military veteran considers filing a claim for an injury as a letter carrier when the injury is to the same body part where the Department of Veterans Affairs (DVA) disability benefits are being paid. Military veterans should not be discouraged from filing claims if an older military injury is worsened by carrying mail.

OWCP claims can be accepted when letter carrier duties aggravate or accelerate an older underlying condition, including those suffered while on military duty and for which the veteran is receiving DVA disability benefits.

OWCP defines aggravation as a relationship that occurs when a pre-existing condition is worsened, either temporarily or permanently, by an injury that occurs while in the performance of duty as a letter carrier. For instance, a traumatic back injury caused by lifting a parcel may aggravate pre-existing degenerative disc disease, and OWCP compensation would be payable for the duration of the aggravation.

A temporary aggravation involves a limited period of medical treatment and/or disability, after which you return to your previous physical status. A permanent aggravation occurs when a condition will persist indefinitely due to the effects of the work-related injury or when a condition is materially worsened such that it will not revert to its previous level of severity.

Letter carrier duties may also accel-

erate an underlying condition. A work-related injury or condition may hasten the development of an underlying condition, and acceleration is said to occur when the ordinary course of the disease does not account for the speed with which a condition develops.

For example, a claimant's DVA-accepted knee arthritis may be accelerated by letter carrier duties like walking, stooping and squatting. An acceptance for acceleration of a condition carries the same force as an acceptance for direct causation. A condition that has been accepted as an acceleration has no set limitation on its duration or severity.

Every claim for a workplace injury needs to be filed via OWCP's ECOMP web portal, which can be accessed at [ecomp.dol.gov/#/](http://ecomp.dol.gov/#/). Instructions for registering and filing claims via ECOMP can be found at [ecomp.dol.gov/#/](http://ecomp.dol.gov/#/).

If you do not have a computer to file the claim, the Postal Service is required to provide a computer for your use. To ensure accuracy in your claim filing, never let a supervisor register and file a claim on your behalf.

Once a military veteran's claim is accepted there may be times where the worker must decide between receiving benefits from the DVA or OWCP. The prohibition against dual payment of OWCP and DVA benefits applies to those cases where an employee's disability resulted from an injury sustained while working as a letter carrier and the same disability was caused by the military service.

Say that a letter carrier disabled by an accepted, knee arthritis claim is a veteran and has a DVA-accepted knee arthritis condition. OWCP finds that the disability resulting from the arthritis is related to the veteran's letter carrier job, entitling the worker to OWCP

benefits. As the employee is eligible for both OWCP and veterans' benefits for the same disability, an election between the two benefits is required.

The prohibition also extends to an increase in a veteran's service-connected disability award, where the increase is brought about by an injury sustained as a letter carrier.

For example, a letter carrier is receiving benefits from the DVA for 40 percent disability due to a service-connected shoulder condition and then suffers an injury carrying mail which causes a disabling aggravation of the pre-existing shoulder condition. OWCP determines that the employee is permanently disabled. Due to the new injury, DVA increases its award to 100 percent as a result of the aggravation by the civilian employment injury.

An election between benefits is required in this case. The election will be between the amount of entitlement under OWCP plus the amount received from the DVA for 40 percent prior to his or her civilian employment injury, and the total amount of entitlement from the DVA for 100 percent, on the other hand.

In other words, no election is required between the veteran's benefit the claimant was receiving at the time of the letter carrier injury and OWCP benefits to which the claimant is entitled for the letter carrier injury because these benefits are not payable for the same injury.

When the DVA increased its benefits, an election is required because the increased benefits were payable because of the recent injury which formed the basis of entitlement to OWCP benefits.

If you are a military veteran who has questions regarding OWCP and DVA benefits, contact your national business agent's office.