



Advanced Workers' Compensation:

Navigating the Appeals Process

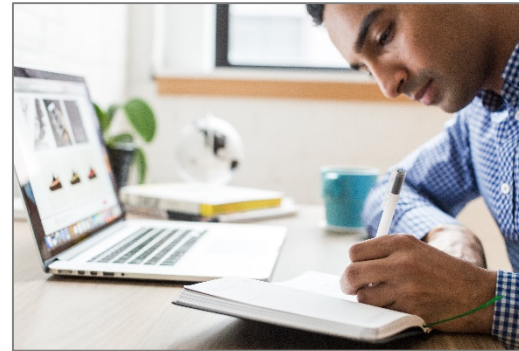
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Course Objective



Demonstrate how to effectively prepare for and participate in a hearing when a workers' compensation claim has been denied.



Course Overview



- **DAY 1**
 - Review basic workers' compensation
 - Addressing denials
- **Day 2**
 - Oral Hearings: the process, your role, and how to prepare
 - Case studies
- **DAY 3**
 - Real cases: participation in mock hearings

Housekeeping



- **Schedule: breaks and lunch**
- **Location of bathrooms and emergency exits**
- **Ground Rules**
 - **Participate and Share**
 - **Parking Lot**
 - **Mutual Respect**
 - **Honor Time**

Introductions



- **Name**
- **Current Position**
- **Local/Agency/Council**
- **Experience in Workers' Comp**
- **Burning Question(s)?**



Day 1:

- Review: workers' compensation process
- How to address a claim denial
- Type of denial



BASIC WORKERS' COMPENSATION REVIEW

Close Corporate
Tax Loopholes
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Stop Destroying
Good Federal
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Stop Destroying
Good Federal Jobs
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES





Workers' Compensation

When and who is eligible for workers' compensation?

What is the **timeline for traumatic injury or occupational disease?**





Workers' Compensation

Temporary vs. Permanent Disability

Disability Compensation Payouts
“schedule awards”





Employee Responsibilities

- Must notify the Agency **in writing**
- Must complete the **proper forms**
- Must provide **medical documentation**



Communications

- Forms
- ecomp system
- If no response?

➤ **PHONE # is crucial!**


The screenshot shows the ECOMP website interface. At the top, there is a navigation bar with the ECOMP logo and the text "UNITED STATES DEPARTMENT OF LABOR". Below this, there are links for "ECOMP Home", "File a Form", "Upload Document", and "Register with ECOMP". A sidebar on the left contains a menu with categories: "Employee & Claimants" (File a Form, Access Existing Form, Claim Status (CQS)), "Track Status", "Case Stakeholders" (Upload Document to an Existing Case, Agency Query System (AQS)), "Reviewers" (Agency Reviewers, OSHA Record Keepers), "Administration" (Agency Maintenance, ECOMP/DFEC Administrator), "Contact ECOMP", and "Help" (About, How to File a Form, About Accessibility and 508 Compliance). The main content area features a "Welcome to ECOMP" banner with the subtitle "The Employees' Compensation Operations & Management Portal". Below the banner, there are three main sections: "Have you been hurt on the job?" with a "File Form" button, "Need to upload a document?" with an "Access Case & Upload Document" button, and "Track status of form or document" with a search box for ECN or DCN and a "Go!" button. A "Sign In / Register" button is also present.



Filing notices and claims

Forms:

- CA-1
- CA-2
- CA-16
- CA-7

Notice of Occupational Disease and Claim for Compensation [Reset](#) [Print](#) **U. S. Department of Labor**
Office of Workers' Compensation Programs 

Employee: Please complete all boxes 1 - 18 below. Do not complete shaded areas.
Employing Agency (Supervisor or Compensation Specialist): Complete shaded boxes a, b, and c.

Employee Data			
1. Name of Employee (Last, First, Middle)		2. Social Security Number	
<input type="text"/>		<input type="text"/>	
3. Date of birth	Mo. Day Yr.	4. Sex	5. Home telephone
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
6. Grade as of date of last exposure			Level <input type="text"/> Step <input type="text"/>
7. Employee's home mailing address (include street address, city, state, and ZIP code)			8. Dependents
<input type="text"/>			<input type="checkbox"/> Wife, Husband
City State ZIP Code			<input type="checkbox"/> Children under 18 years
<input type="text"/>			<input type="checkbox"/> Other
Claim Information			
9. Employee's occupation			a. Occupation code
<input type="text"/>			<input type="text"/>
10. Location where you worked when disease or illness occurred (include street address, city, state, and ZIP code)			11. Date you first became aware of disease or illness
<input type="text"/>			Mo. Day Yr.
City State ZIP Code			<input type="text"/>
<input type="text"/>			
12. Date you first realized the disease or illness was caused or aggravated by your employment		13. Explain the relationship to your employment, and why you came to this realization	
Mo. Day Yr.		<input type="text"/>	
<input type="text"/>		<input type="text"/>	



Filing notices and claims

Where to find the forms?

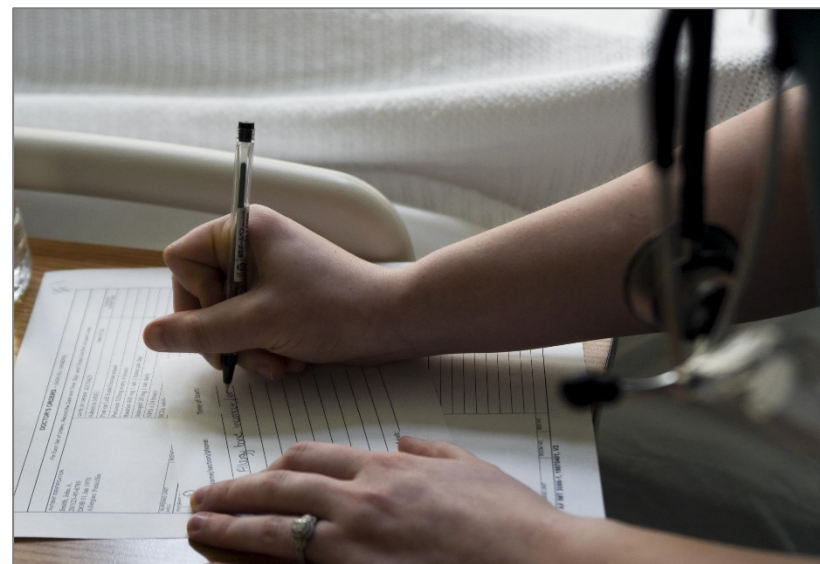
How to fill out the forms?



Filing notices and claims

Evidence:

- What evidence must be gathered?
- How?
- Timeline for evidence?





Researching Cases

AFGE CaseTrack www.afge-casetrack.org

Cyberfeds www.cyberfeds.com

ECAB Decisions www.dol.gov/ecab/decisions.htm



Filing notices and claims

Decisions:

- Who decides to accept or reject a claim?
- How is the decision communicated?





Workers' Compensation

What is **FECA**?
What is **OWCP**



APPEALS PROCESS

Close Corporate
Tax Loopholes

AFGE
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

Stop Destroying
Good Federal Jobs

Stop Destroying
Good Federal Jobs

AFGE
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES





Denials

Why are claims denied?





Denials

Dept. of Labor/Agency interference and obligation





Filing appeals

Where to get help with appeals and hearings?



Filing appeals

Levels of the appeals process:

1. Oral hearing
2. Review of records
3. Reconsideration
4. ECAB





ECAB: Employees' Compensation Appeals Board

“...given ‘all necessary and appropriate powers’ to hear and decide appeals taken from determinations made in claims filed under the FECA. ...

Formal decisions of OWCP, except decisions concerning the amounts payable for medical services and decisions concerning exclusion and reinstatement of medical providers, are subject to review by the ECAB (20 C.F.R. 10.137).”



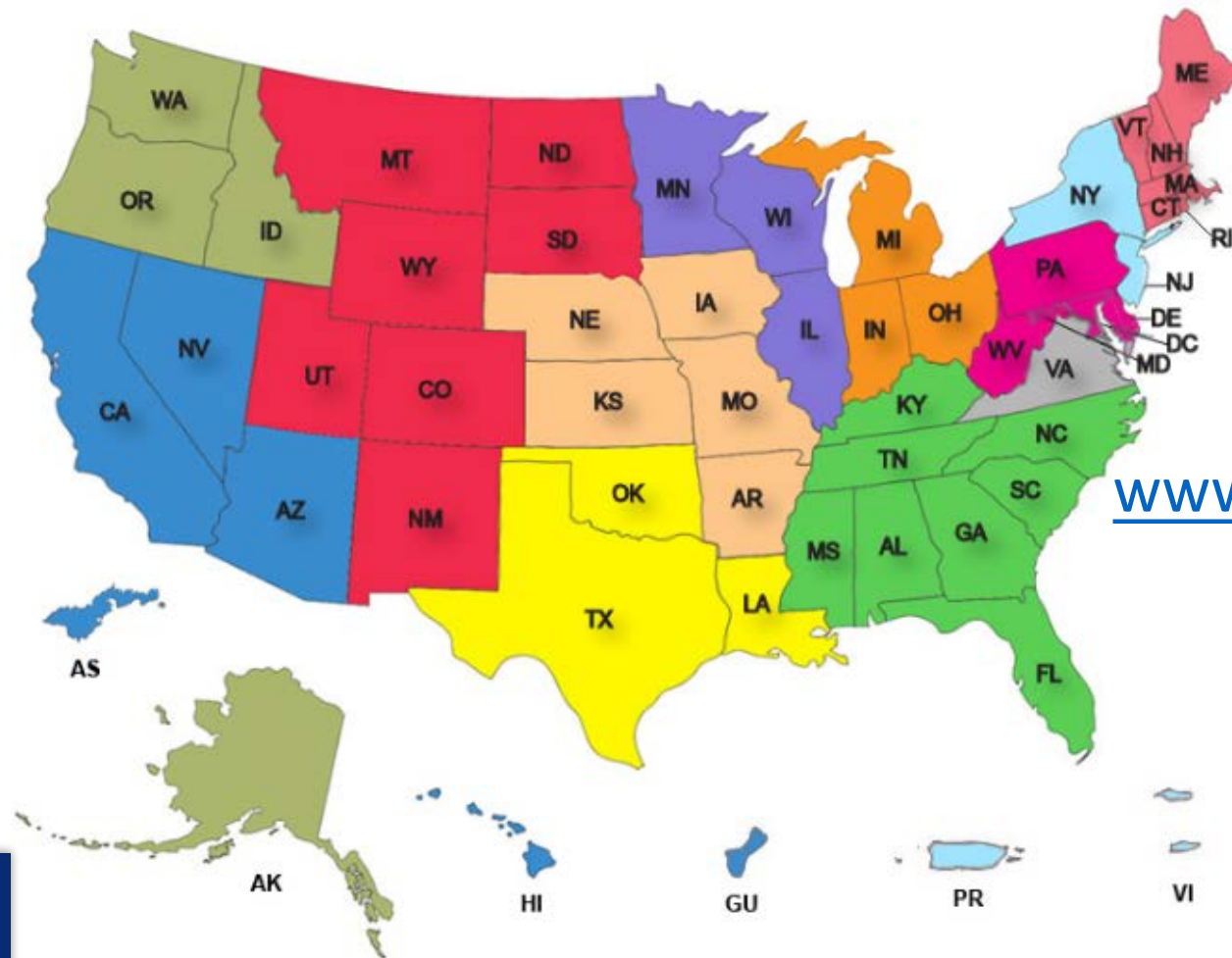
Filing appeals

Avoiding pitfalls, problems, and delays

How do we ensure our members know what they should do?



Contacting OWCP



Find your District Office:

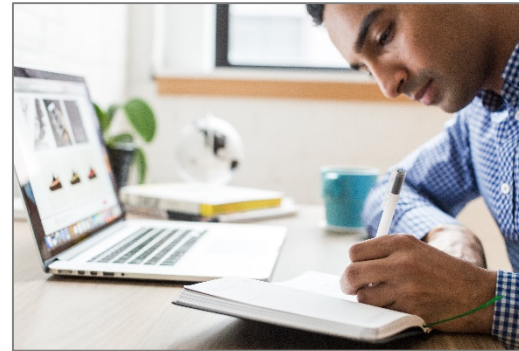
www.dol.gov/owcp/contacts/fecacont.htm





Day 2:

- Hearings
- Case Studies





Hearings

What is a hearing?





Hearings

Oral or review of written record





Hearings

How do we obtain an oral hearing?





Hearings

How is the hearing conducted?





Hearings

Your role as an AFGE representative





Hearings

How is the decision made?





Hearings

Privacy



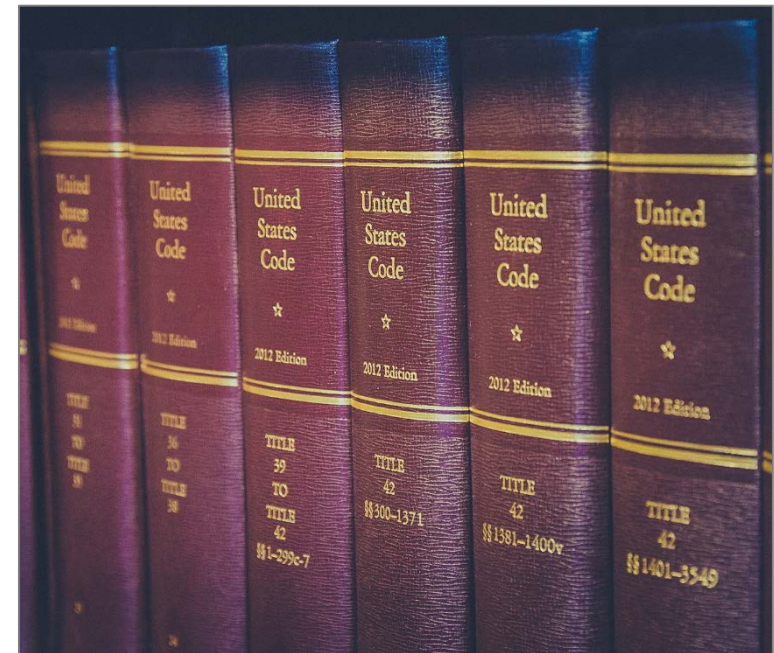


Laws

Statutes (U.S.C.) and Executive Orders (E.O.)

Unified Agenda of Federal Regulations

Code of Federal Regulations (CFRs)





Case #1:

1. Murder of a Correctional Officer





Case #1:

Decision:

- What was the decision? Why?





Day 3:

Real cases



Role of the Steward in:

1. Oral hearing
2. Review of records
3. Reconsideration
4. ECAB





Mock Hearings: your turn

During the following mock hearings, you will each have a turn to play each role:

- Claimant (employee)
- Union advocate/AFGE representative
- Agency
- Judge
- Court reporter





Preparing for the hearing

Difference between a **representative** vs. a **lawyer**





Preparing for the hearing

Proper medical documentation





Preparing for the hearing

Witness preparation





Questions and Wrap-Up

**Please remember to complete the end-of-class survey.*

