



Advanced Workers' Compensation:

Navigating the Appeals Process

By Joe Mansour

July 17 – 20, 2017 Chicago

PARTICIPANT GUIDE

2017 LEAD Training Conference
Palmer House Hilton
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July 16 - July 21, 2017

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This information is general information regarding the federal workers' compensation process, which is subject to change, and is not intended to constitute legal advice.

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TABLE OF CONTENTS

About this Training 2

Day 1 3

Day 2 25

Day 3 36

ABOUT THIS TRAINING

This course instructs participants on the hearing process and what to do if their workers' compensation claim is denied. Participants will prepare the necessary forms and filings for a hearing and demonstrate their knowledge of rules and procedures during mock hearings. Participants will conduct a full review of claim files and documentation, identify missing or inadequate information, and draft a response. The class will include mock hearings to allow participants to practice representing their members in the proceedings.

Pre-requisite: Participants must have previously completed L1 Workers Compensation/Health and Safety.

Your instructor for this training is:

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Advanced Workers' Compensation:

Navigating the Appeals Process

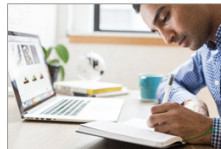
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Course Objective

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**



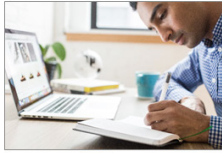
Introductions

- **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





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"



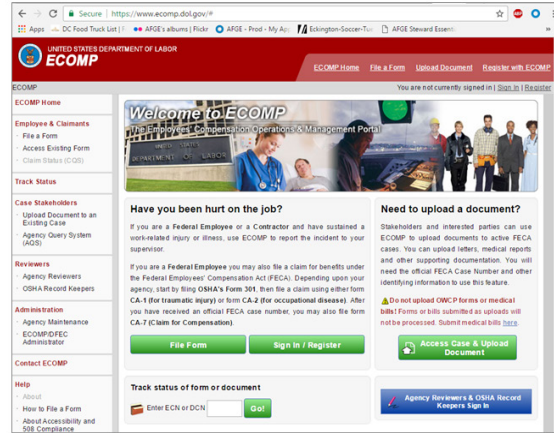
Employee Responsibilities

- 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!**



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11

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 | | | | 2. Social Security Number | |
| 1. Name of Employee (Last, First, Middle) | | | | | |
| 3. Date of birth | Mo. | Day | Yr. | 4. Sex | 5. Home telephone |
| | | | | | |
| 7. Employee's home mailing address (include street address, city, state, and ZIP code) | | | | 8. Dependents | |
| City | | | | <input type="checkbox"/> Wife, Husband | |
| State | | | | <input type="checkbox"/> Children under 18 years | |
| ZIP Code | | | | <input type="checkbox"/> Other | |
| Claims Information | | | | a. Occupation code | |
| 9. Employee's occupation | | | | | |
| 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 | |
| City | | | | Mo. | |
| State | | | | Day | |
| ZIP Code | | | | Yr. | |
| 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. | | | | | |



Filing notices and claims

Where to find the forms?

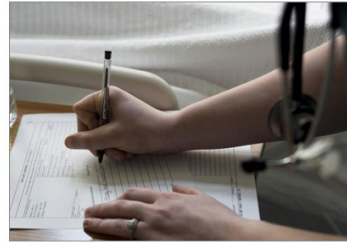
How to fill out the forms?



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**?



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17



APPEALS PROCESS

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)."



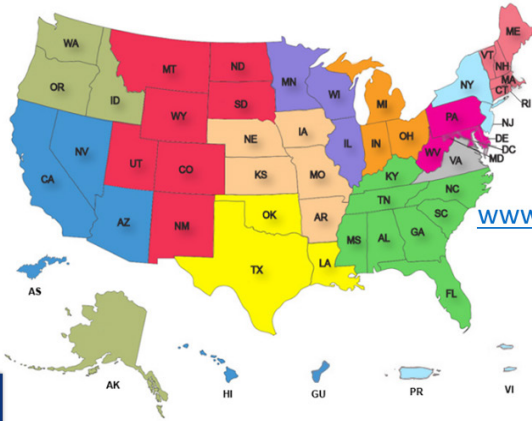
Filing appeals

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

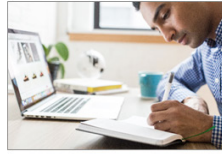


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25

Day 2:

- Hearings
- Case Studies



Hearings

What is a hearing?



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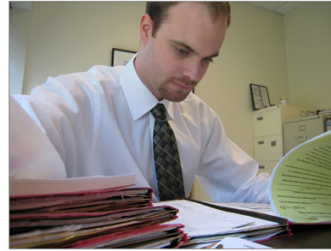
27

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Hearings

Oral or review of written record



Hearings

How do we obtain an oral hearing?



Hearings

How is the hearing conducted?



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30

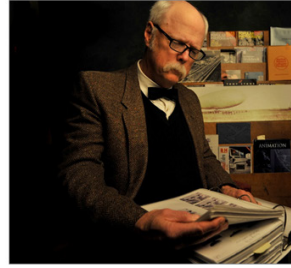
Hearings

Your role as an AFGE representative



Hearings

How is the decision made?



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32

Hearings

Privacy

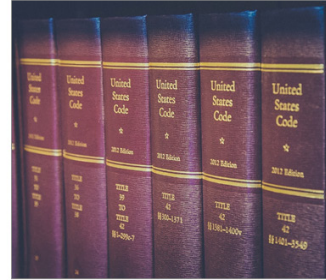


Laws

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?



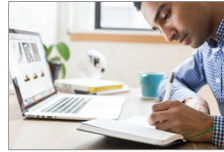
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36



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



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39

NOTES:

Preparing for the hearing

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



Preparing for the hearing

Proper medical documentation



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41

Preparing for the hearing

Witness preparation



Questions and Wrap-Up

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



NOTES:



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