



Federal Workers Compensation (OWCP) Rules, Laws, and Regulations

20 CFR 10.300 – You Have a Right to a CA-16

(a) When an employee sustains a work-related traumatic injury that requires medical examination, medical treatment, or both, **the employer shall authorize such examination and/or treatment by issuing a Form CA-16**. This form may be used for occupational disease or illness only if the employer has obtained prior permission from OWCP.

(b) The employer **shall issue** Form CA-16 **within four hours** of the claimed injury. If the employer gives verbal authorization for such care, he or she should issue a Form CA-16 within 48 hours. The employer is not required to issue a Form CA-16 **more than one week** after the occurrence of the claimed injury. The employer may not authorize examination or medical or other treatment in any case that OWCP has disallowed.

(c) Form CA-16 must contain the full name and address of the qualified physician or qualified medical facility authorized to provide service. The authorizing official must sign and date the form and must state his or her title. **Form CA-16 authorizes treatment for 60 days from the date of injury**, unless OWCP terminates the authorization sooner.

20 CFR 10.300 (d) – You Have The Right to Choose Your Own Doctor

(d) **The employer should advise the employee of the right to his or her initial choice of physician. The employer shall allow the employee to select a qualified physician**, after advising him or her of those physicians excluded under subpart I of this part. The physician may be in private practice, including a health maintenance organization (HMO), or employed by a Federal agency such as the Department of the Army, Navy, Air Force, or Veterans Affairs. Any qualified physician may provide initial treatment of a work-related injury in an emergency. See also § 10.825(b).

CA-810 – Supervisors Can Not Interfere with the Employee’s Choice of Physician

A. Initial Choice. **An employee is entitled to initial choice of physician** for treatment of an injury. He or she may choose any licensed physician in private practice who is not excluded, or he or she may choose to be treated at a government medical facility if one is available. Such facilities include hospitals of the Army, Navy, Air Force, and Department of Veterans Affairs and their medical officers.

Agency personnel may not interfere with the employee's right to choose a physician, nor may they require an employee to go to a physician who is employed by or under contract to the agency before going to the physician of the employee's choice.

20 CFR 10.110 (a) - YOU ARE ENTITLED TO GET COPIES OF ALL PAGES OF THE CA1 AND CA2

20 CFR 10.110 What should the employer do when an employee files a notice of traumatic injury or occupational disease?

(a) The employer shall complete the agency portion of Form CA-1 (for traumatic injury) or CA-2 (for occupational disease) no more than 10 working days after receipt of notice from the employee. The employer shall also complete the Receipt of Notice and give it to the employee, along with copies of both sides of Form CA-1 or Form CA-2.

20 CFR 10.110 - EMPLOYERS CAN NOT WAIT FOR MEDICAL DOCUMENTATION OF YOUR INJURY BEFORE SUBMITTING YOUR CA1/CA2.

20 CFR 10.110 What should the employer do when an employee files a notice of traumatic injury or occupational disease?

(c) The employer should not wait for submittal of supporting evidence before sending the form to OWCP.

20 CFR 10.100 - YOU HAVE 3 YEARS TO FILE AN INJURY CLAIM

20 CFR 10.100 How and when is a notice of traumatic injury filed?

(b) For injuries sustained on or after September 7, 1974, a notice of injury must be filed within three years of the injury. (The form contains the necessary words of claim.) The requirements for filing notice are further described in 5 U.S.C. 8119. Also see § 10.205 concerning time requirements for filing claims for continuation of pay.

(1) If the claim is not filed within three years, compensation may still be allowed if notice of injury was given within 30 days or the employer had actual knowledge of the injury or death within 30 days after occurrence. This knowledge may consist of written records or verbal

notification. An entry into an employee's medical record may also satisfy this requirement if it is sufficient to place the employer on notice of a possible work-related injury or disease.

5 U.S. Code § 8122 (a) - Time For Making an OWCP Claim is 3 Years

- (a) An original claim for compensation for disability or death must be filed within 3 years after the injury or death. Compensation for disability or death, including medical care in disability cases, may not be allowed if claim is not filed within that time unless—
- (1)** the immediate superior had actual knowledge of the injury or death within 30 days. The knowledge must be such to put the immediate superior reasonably on notice of an on-the-job injury or death; or
 - (2)** written notice of injury or death as specified in section 8119 of this title was given within 30 days.
- (b)** In a case of latent disability, the time for filing claim does not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware, of the causal relationship of the compensable disability to his employment. In such a case, the time for giving notice of injury begins to run when the employee is aware, or by the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, whether or not there is a compensable disability.

DFEC Procedure Manual 2-0814 - YOU SHOULD NOT BE SENT GREATER THAN 50 MILES FROM HOME FOR LIGHT DUTY

DFEC Procedure Manual

2-0814, Job Offers and Return to Work

9. Temporary Assignments. c (2) (f)

(f) The light duty assignment should be in the location where the employee currently resides. If this is not practical, the EA may provide light duty at the employee's former duty station if that station is within the claimant's commuting area. Reemployment at any other location may only be considered where the distance between the location of the light duty assignment and the location where the employee currently resides is **no greater than 50 miles and the employee is physically capable of performing the commute** entailed. Special travel arrangements through vocational rehabilitation will not be pursued for temporary assignments.

20 CFR 10.111 - YOUR SUPERVISOR HAS 5 DAYS TO SUBMIT YOUR CA7 TO OWCP.

20 CFR 10.111 What should the employer do when an employee files an initial claim for compensation due to disability or permanent impairment?

(c) Upon receipt of **Form CA-7** from the employee, or someone acting on his or her behalf, the employer shall complete the appropriate portions of the form. As soon as possible, but no more than five working days after receipt from the employee, the employer shall forward the completed Form CA-7 and any accompanying medical report to OWCP.

20 CFR 10.16 - IT IS A CRIME TO PREVENT YOU FROM FILING A WORK INJURY CLAIM

20 CFR § 10.16 What criminal and civil penalties may be imposed in connection with a claim under the FECA?

(a) A number of statutory provisions make it a crime to file a false or fraudulent claim or statement with the Government in connection with a claim under the FECA, or to wrongfully impede a FECA claim.

18 USC 1922 – Fines or Imprisonment for Preventing OWCP Claims

Whoever induces, compels, or directs an injured employee to forego filing an injury claim shall be fined, imprisoned, or both.

THREATS OF TERMINATION OR RETALIATION AFTER FILING OWCP CLAIMS

www.osha.gov/workers

It is illegal for an employer to fire, demote, transfer or otherwise retaliate against a worker for using their rights under the law. If you believe you have been retaliated against in any way, file a whistleblower complaint within 30 days of the alleged retaliation.

If a worker believes an employer has retaliated against them for exercising their safety and health rights, they should contact their local OSHA office right away. A whistleblower complaint must be filed with OSHA within 30 calendar days from when the retaliatory decision was made and communicated to the worker.