



# Critical Thinking – Scenario Based Training

## **United States Department of Labor**

Office of the Assistant Secretary for Administration & Management

Business Operations Center

Office of Worker Safety, Health, and Environment

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## Purpose

This training is designed to test your ability to apply your workers' compensation knowledge to scenarios you may encounter in your role as an Injury Compensation Specialist (ICS).



## Training Format

- This is a discussion-based course, group interaction is mandatory.
- Trainees will be presented with a series of scenarios and will be expected to analyze each situation and provide the best course of action based on the facts presented and their knowledge of the FECA, ICS responsibilities, and government procedures.
- Presenters will facilitate the discussion, guide the trainees to the best solution, and ensure the training stays on track.
- Now relax, this is meant to be fun as well as educational.



## Topics Covered

- Filing Claims
- Using OWCP Forms
- Using ECOMP
- Erroneous Filings
- Telework Injuries
- Stress Injuries
- Job Offers
- Communicating with various parties
- SECOP Requests
- Continuation of Pay
- Agency Challenges
- Leave Buy Back
- Employee Removal
- Reporting fraudulent claims
- Performance of Duty
- Branch of Technical Assistance



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# Workers' Compensation Scenarios





## Good Samaritan

Scenario: An agency employee is conducting an inspection in a city outside their normal work area. While walking through the parking lot of their hotel to check in, they see a man physically assaulting a woman. They call out to the attacker to stop. The attacker does stop assaulting the woman, but then begins to chase the agency employee who is injured while fleeing for safety.

Would this injury be covered under the FECA.



## Heated Exchange

Scenario: You receive a CA-2 alleging that a supervisor verbally abused a claimant during a phone call resulting in an emotional injury to the claimant. You know that most stress claims are challenged, and this looks very similar to cases you have seen in the past that were denied by OWCP. You reach out to the supervisor to discuss the situation expecting them to refute the allegations. To your surprise, the supervisor admits to yelling at the claimant during the call and slamming the phone down. You are also contacted by the claimant who is requesting guidance and assistance with their claim.

What would you do?



## Questionable Injuries

Scenario: An employee dropped a laptop on their foot and has been completely out of work for 90 days. Their claim was accepted, but the doctor's work restrictions seem disproportionate for the accepted conditions. For two months, the employee has seen the doctor every two weeks and has provided the Agency with documentation that simply states "Employee should remain out of work for the next two weeks. This will be re-evaluated at the next appointment".

What would you do?





## Dining Out

Scenario: A federal employee is in Washington D.C. for a four-day business trip. After work on the second day, they decide to grab dinner on the other side of D.C., 6 miles from their hotel. The Uber they are in is struck by another vehicle and the employee is injured. They file a claim for workers' compensation.

Would this injury be covered by the FECA?



## The Unknown Death

Scenario: You receive a phone call from a small local office that is part of one of the Agencies you are responsible for. They inform you that one of their federal employees has passed away from an illness caused by a confirmed work-related exposure. The employee died two weeks ago and had been in the hospital for over a month prior to that. No paperwork has been filed in ECOMP and you are the first person outside of the small local office that has been notified.

What would you do?



## I'm Retiring.

Scenario: A 65 year old employee has been out on the periodic roll for 9 months. You receive medical documentation indicating that this person can return to work 4 hours a day. You create a limited duty job offer and provide it to the employee. They reject the job offer and indicate that, rather than accept the job offer, they intend to retire.

Is this an acceptable reason to refuse a job offer? What would be your next step?



## The Serial Claimant

Scenario: You have a claimant who consistently provides vague medical documentation keeping them out of work. Attempts to obtain second opinion examinations have been delayed or canceled for various reasons all supported by the treating physician. After some research you discover this is a serial claimant. They have had many claims over the years. The claimant has been in and out of work status for over 10 years. It appears they have a pattern, just as one claim nears a RTW status, the claimant will acquire medical for a different claim putting them out of work. The claimant has used the same doctor for over 5 years. Their doctor's notes appear to be almost exact copies. When you look up the doctor, they are not even located in the same region as the claimant and previously worked in a practice where doctors were found guilty of workers' compensation fraud.

What would you do?





## Above and Beyond

Scenario: You recently had a successful return to work involving an employee who is limited to desk duty only. This is clearly stated in the limited duty job offer. You later learn that the supervisor has been having the injured employee organize the file room and perform other neglected tasks such as rearranging furniture.

Is this an acceptable practice? What would you do?





## The Contract

Scenario: An injured federal employee that you have been assisting needs to be transferred from the initial treating hospital to an inpatient rehab facility. The rehab facility sends a letter to the employee's supervisor that includes the statement, "...Your Agency agrees to pay \$1600 per day for the treatment and monitoring of this patient. Sign here \_\_\_\_\_." The rehab facility refuses to accept the patient unless someone at the agency signs the paper.

What would you do?



## Twisted Ankle

Scenario: You receive a call from an employee that has slipped on an icy walkway and twisted their ankle at work. They would like to file a workers' compensation claim but they are not sure how to do so. Additionally, they need to know where they can be treated?

What would you do?



## Home Bathroom Break

Scenario: An employee is teleworking from their approved telework location. After working for a few hours, they take a quick bathroom break with the intention to return to work immediately after. While in the bathroom, they slip on the floor and are injured.

Would this injury be covered by the FECA? Why or why not?



## Car Crash

Scenario: You receive a phone call from a supervisor informing you that one of their employees has been in a serious car accident while traveling for work. They had to be extricated from the vehicle using the jaws of life and they are currently in a nearby hospital undergoing emergency surgery for life threatening injuries. The injured employee's spouse is at the hospital with them and has been in contact with the supervisor.

What would you do?



## Telework Injury

Scenario: A claimant was teleworking and took a break to check the mail. While walking down their driveway, they slipped and fell and sustained an injury to their wrist. Now they have filed a workers' compensation claim. The supervisor doesn't believe that this should be a covered injury and they are hesitant to process the claim. The supervisor has reached out to you for guidance.

What would you do?





## Scattered Equipment

Scenario: An employee is teleworking from their approved telework location. They work out of a home office located on the third floor of their house. The printer they use for work is located in their basement. While walking from their home office to the printer to pick up some recently printed work documents, the employee falls down the stairs and is injured.

Would this injury be covered by the FECA? Why or why not?



## Failed Return to Work

Scenario: You have an employee who was seriously injured and has been on the Periodic Roll for over a year. The employee's medical documentation consistently states that the employee is 100% disabled and unable to return to work. The doctor also consistently states that the possibility for return to work is "undetermined". Second opinion reports confirm that the employee is unable to return to work for the foreseeable future.

What would you do?



## Uncovered Billing Codes

Scenario: Six months ago, a claimant had surgery to repair a broken wrist and hand. The surgery required screws and plates. The wound never healed properly, and the surgeon is recommending a second surgery to remove bone fragments and a loose screw. This is clearly stated in the medical on file, but the CE denied the surgery authorization because the billing code referring to removing bone fragments and hardware is not listed in the accepted conditions. Both you and the claimant have reached out to the CE for over a month, but you have been unable to resolve this stalemate. The claimant cannot recover without the follow-up surgery.

What would you do?



## Pain and Suffering

Scenario: You receive a phone call from a claimant who was injured on the job several years ago. They state that during their recovery they experienced a lot of pain, and this has never fully gone away. The claimant feels that the lingering pain has negatively impacted their quality of life and they would like to know how they can be compensated for their pain and suffering.

What would you do?





## The Cafeteria

Scenario: An employee is working in a six-floor federal office building. Offices are located on 1st -5th floors and on the 6th floor there is a cafeteria dedicated to federal workers. The employee decides to go to the 6th floor to grab lunch and to take the stairs for the exercise. While briskly walking up the stairs, the employee slips and is injured.

Would this injury be covered by the FECA? Why or why not?





## Non-Federal Claim

Scenario: You log into ECOMP and see a new CA-1 on your dashboard filed under your agency. The claimant states that they cut their hand while working at Rosco's Meat Packing Plant. You are fairly certain that no one in your agency works at a meat packing plant. Additionally, when you look up the employee and the supervisor, neither of them are in your digital address book.

What would you do?



## Emergency

Scenario: You receive a report that an employee fell down the staircase in your federal office building and sustained serious injuries. A co-worker called 911 and the injured employee is currently enroute to the local hospital where they will need emergency medical treatment.

What would you do?



## Donated Leave

Scenario: A claimant submits a CA-7 for Leave Buy Back. That is not unusual in and of itself but, when you check the timesheets, you notice that the leave they are trying to buy back is donated leave.

Can this be done? What would you do?



## A Quick Detour

Scenario: A federal inspector is driving from one inspection site to the next one that is located 10 miles straight down the local interstate. The employee has a favorite bar-b-que restaurant that is located 3 miles off the route and would require them to detour from the most direct route. The inspector decides to swing by and grab a sandwich since it would only take a few minutes. After leaving the interstate and going two miles down a perpendicular road, he is hit by someone who ran a stop sign and is injured.

Would this injury be covered by the FECA? Why or why not?



## The Paper Form

Scenario: You receive a paper CA-7 from a supervisor that they received 4 days ago from a claimant. The LWOP period claimed on the form spans more than seven months and when you check the timesheets you see that the employee used Annual Leave, Sick Leave, and Donated Leave in the same time period. The CA-7 is incorrectly filled out, and, if processed as submitted, would result in a large over payment. The claimant is very confused and doesn't know how to use ECOMP.

What would you do?





## Last Minute Email

Scenario: An employee is commuting home on the metro and while at a metro stop located halfway to his home, he receives a phone call from his supervisor directing him to return to the office and send an email to the front office with some important last-minute information. The employee agrees and takes the next available train headed towards the office. When getting off the train, the employee slips and falls on the platform injuring their knee.

Would this injury be covered by the FECA? Why or why not?



## Working from the Couch

Scenario: An employee was teleworking and decided to work from their couch. They placed their computer and mouse on the coffee table and worked a full shift without incident. After signing off, they moved the coffee table back into its original position and pulled a muscle in their back.

Would this injury be covered by the FECA? Why or why not?



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## Questions and Comments



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# Bonus Scenarios



## Sick at Work

Scenario: Two employees that work next to each other in the same small office came down with the flu. Fred was diagnosed Wednesday morning and doesn't know where he got the flu. Susan was diagnosed two days later and believes she caught the flu from Fred.

Are these infections covered by the FECA? Why or why not?





## Erroneous Filing

Scenario: You are reviewing your ECOMP dashboard when you notice a claim for a serious injury that seems off. When you read the claim and review the claimant's and supervisor's email address, it becomes clear that this person is not in an Agency that is in your Department.

What would you do?



## Just Hired

Scenario: A federal worker is involved in a vehicle accident while in the performance of duty. They file a CA-1 the day after the incident and, on the form, they do not elect to use Continuation of Pay (COP). A few weeks later the claimant reaches out to you distressed because there has been no decision on the claim yet and they haven't been paid since the incident. You discover that they are brand new to the federal government and therefore have no sick or annual leave. They have been marking their timesheets with Leave Without Pay.

What would you do?



## Pacing Around

Scenario: An employee is teleworking when their government issued cellphone rings. They answer and begin pacing around the house while talking to their supervisor. They trip on their child's doll that was lying on the living room floor and are injured.

Would this injury be covered by the FECA? Why or why not?



## Not what I was hired to do.

Scenario: A 32-year-old employee broke their leg while working as a field agent. After surgery and a multi-month at-home recovery, you receive a CA-17 from the treating physician indicating that the employee can work 8 hours a day, but only performing desk duty, no field work. Upon receiving your job offer, the employee is upset because they feel like they are being sidelined. Deskwork isn't what they were hired to do. They state that they would prefer something more in line with their original job and they would like you to revise the job offer.

Is this an acceptable reason to refuse a job offer? What would be your next step?





## Out of Area

Scenario: A federal employee is involved in a vehicle accident while traveling for work. The accident occurs in a remote part of the country. The supervisor reaches out to you to ask where the employee should be taken. When you look online at OWCP's Provider Search tool, there are no hospitals within 150 miles that accept Federal Workers' Compensation. The employee needs to be seen as soon as possible and there is a local emergency room 10 minutes away.

What would you tell the supervisor? How should this be handled?





## Making an Adjustment

Scenario: An employee is teleworking from their designated telework space. This employee prefers to use their own equipment rather than the equipment offered by their employer. Prior to a meeting, the employee stands up to adjust their personal USB web camera that they use for work calls. They bang their knee on their desk and fall to the ground. Is this injury covered by the FECA?

Would this injury be covered by the FECA? Why or why not?



## Add-Ons

Scenario: You are working on a limited duty job offer for a claimant that broke their arm. While drafting the job offer you learn that they are seeing a psychiatrist for a non-work-related condition and that doctor has recommended additional restrictions. The employee presents these additional limitations to you and would like them considered. The Agency believes that the limited duty job offer should only refer to the accepted condition and restrictions directly related to it.

How should you proceed? What would you do?



## Stressed Out

Scenario: A supervisor calls you on the phone because one of their employees called to inform them that they were going to the hospital for high blood pressure caused by stress. The supervisor wants to know if a CA-16 should be given to this employee. When you question the supervisor about the situation surrounding the stress, they inform you that the employee has been having difficulties at work for weeks or months and today's event is apparently a culmination of accumulated stress.

Would a CA-16 be appropriate in this situation? What would you do?



## Old Leave

Scenario: A claimant submits a CA-7 for Leave Buy Back in ECOMP. The dates and amounts on the form are highly unusual. The leave the claimant is trying to buy back is from 3 years ago and they are only trying to buy back 4 hours.

What would you do? Does the Agency have to process this request?



## Fear of Consequences

Scenario: An employee receives a negative performance review based on their inability to meet their performance standards and they are greatly distressed. They later file a claim for a stress injury because they fear they may lose their job.

Would this injury be covered by the FECA? Why or why not?





## Set Up

Scenario: An employee at your federal office building has filed a claim alleging that they were struck by a vehicle in your building's parking garage. The driver's statement and the claimant's statement appear to line up and you process the form to ensure it is filed in a timely manner. Later that week, you learn that security footage reviewed by your building's safety staff clearly shows the claimant and the driver staging the incident.

What would you do?



## Counting Days

Scenario: A claimant has been continuously out of work since their date of injury 55 days ago. They began using Continuation of Pay (COP) the day after the injury. You were just made aware that the claimant is still marking their timesheets with the timecode for COP and today would be their 54th consecutive day of COP usage.

Is this allowed? What would you do?



## Understaffed and Overworked

Scenario: An employee works for an office that is short staffed. Each of the employees working there has been assigned a heavier workload than normal and tension is high. After weeks of this, the employee breaks down and tells their supervisor that they need to see someone for their stress because of the increased workload. They subsequently file a claim for a stress injury.

Would this injury be covered by the FECA? Why or why not?



## Former Employee

Scenario: A CA-1 is entered into ECOMP by someone who no longer works for your agency. The injury they are reporting is 2.5 years old and it was documented in ECOMP on an OSHA 301 the day after the injury occurred. They last worked for your agency 2 years ago before taking a job in a different federal agency. The supervisor listed on the CA-1 retired, and no one is left in the office that remembers this individual.

Has this claim been filed properly? What would you do?



## Travel Injury

Scenario: A federal employee is traveling to a conference in another state for work. While in the airport, they decide to stop at a sandwich shop to grab some food. As they are standing in line, a passing traveler's bag becomes entangled with their bag and the employee's arm is jerked backwards resulting in a shoulder injury.

Would this injury be covered under the FECA?





## Concussion

Scenario: A federal employee was involved in a vehicle accident while traveling between inspection sites. The employee struck their head in the accident and suffered a concussion. Side effects from the concussion include difficulty focusing and headaches caused by looking at TV screens and computer monitors. The employee filed an OSHA 301 in ECOMP and contacted you about filing a workers' compensation claim. You gave them guidance and helped them complete the first part of the CA-1 form, but they had to stop before they were finished due to a headache. That was 3 weeks ago, and it is nearing 30 days from the date of injury. The employee has been out of work since the accident, but they still have not filed the CA-1 form in ECOMP.

What would you do?



## Employee Counseling

Scenario: A supervisor holds a meeting with their employee to discuss several assignments which the employee failed to complete in a timely manner. The meeting is civil, and the employee shows no signs of distress during the meeting. The employee later files a claim for emotional distress based solely on being called into the meeting to discuss their assignments.

Would this injury be covered by the FECA? Why or why not?



## No Jobs Available

Scenario: You are responsible for an Agency that is primarily made up of field inspectors whose job is very physically demanding. One of their employees was injured on the job and has been restricted to desk duty for at least 4 months while they recover. You contact the supervisor and inform them that the Agency should provide this employee with a limited duty job offer. Both the supervisor and the area director state that they cannot support a limited duty job offer and they won't accommodate anything less than full return to work.

Is this an acceptable practice? What would you do?



## Almost Late

Scenario: A claimant filed a CA-1 seven days ago in ECOMP. The form has been sitting in the Supervisor tab on the Agency Reviewer dashboard the entire time. You reach out to the employee's supervisor to ask them to complete their portion so that the form can be forwarded to OWCP. The supervisor states that they never received any emails or notifications related to the CA-1 form.

What would you do?





## Forgot Password

Scenario: You receive a phone call from a 75-year-old federal employee who hasn't been to work in years. They inform you that they have an accepted claim from over 15 years ago and have been on the Periodic Roll ever since. Recently they have been having trouble with ECOMP. They have been locked out of their account and do not remember their password. They are trying to log into ECOMP to submit their updated CA-1032.

Can you help this person? What would you do?





## On Vacation

Scenario: An employee filed a CA-7 four days ago and the form is still on the ECOMP dashboard awaiting supervisor review. You check the email address for the supervisor in the system and it is correct, but their account has an out of office message stating that they are on vacation and will not be back to the office for another two weeks.

What would you do?



## Contentious Relationship

Scenario: A federal employee files a workers' compensation claim in ECOMP. In the claim they state that their supervisor has verbally abused them in the office, degraded them, and called them by racial slurs causing emotional damage. They also state that they have filed a grievance and a Union complaint regarding the issue. The supervisor contacts you shortly after you review the form and is furious. They state that none of this ever happened and everything the employee has stated is a lie.

What would you do?



## Returning to Work

Scenario: A federal employee sprained their knee when they slipped on an icy patch in the parking lot controlled by their federal office building. They filed a CA-1 in ECOMP, elected to use COP, and have been consistently out for the last 10 days. They recently received medical documentation indicating that they can return to work in 3 days, but only for 4 hours a day. These limitations are expected to improve in the future.

What should you do?



## Working Late

Scenario: On November 18th, a federal employee informs their supervisor that they were injured when they tripped on an uneven floor tile in the hallway while working late. There are no witnesses to the incident, though the uneven floor tile is well known to people who work on that floor. The employee files a CA-1 form and elects to use Continuation of Pay (COP). They obtain a series of vague medical documents keeping them out of work for the entire 45-day COP period and beyond. The claim is ultimately denied.

What would you do?