

MANAGING THE CLAIM

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OBJECTIVES

- Recognize multiple steps that may occur during the life of a claim
- Identify steps to manage cases of Temporary Total Disability
- Identify practices used to manage long-term disability cases
- Understand appeal rights and agency involvement in the process

SIMPLE INJURY

- No Controversion
- No Dispute
- Time loss not expected beyond COP
- No Potential third party liability
- Authorization for medical expenses up to \$1,500

BEYOND SHORT FORM CLOSURE

- Requires Claim Development
 - Medical expenses exceeds \$1,500
 - Compensation for wage loss
- Surgical intervention
- Continued limitations
- OWCP intervention
- Improvements – returned to regular duty
- Permanent limitations –Permanent Job Offers

DETERMINING WORK CAPACITY



Evaluation of current medical documentation

Work status documents
Office notes



Intervention from OWCP

Additional medical from attending physician

Reasons or issues

Request SECOP

- SECOP review by attending physician
- Weight of evidence – OWCP



IME/Referee Examinations

TEMPORARY TOTAL DISABILITY (TTD)

- Have tentative return to work date
- Conservative treatment
- Medical update(s)
- Therapy notes
- Test reports/results
- Surgery
- Nurse intervention
- Other conditions
- Complications

ADDITIONAL CONDITIONS

- Pre-existing or occurring after DOI
 - Relative to procedure or accepted condition
 - Consequential
 - CA-2a for inclusion in case
 - Procedure Manual Chapter 2-0805
- Unrelated condition(s) but after DOI
 - Concurrent
 - Consider in finding suitable work
 - Supporting medical evidence

CONSEQUENTIAL CONDITION

- CA-2a
- Statement from employee and physician to consider
 - Objective medical required to establish causal relationship
 - Diagnosis
- Not work-related until accepted

LONG-TERM DISABILITY (EXPECTED RTW)

- Anticipate RTW less than 6 months
- Periodic Rolls (PR)
 - Office visits
 - Therapy appointments
 - Test reports
 - Functional Capacity Evaluation (FCE)
 - Work hardening
 - Transfer FEHB

LONG-TERM DISABILITY (RTW UNCERTAIN)

- More than 6 months disability anticipated
 - MAJOR surgery
 - Home health care
 - Other medical conditions
 - Therapy
 - Complications
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WHAT'S NEXT?

The image features a clear blue sky with a dense layer of white, fluffy clouds at the bottom. The text "WHAT'S NEXT?" is written across the upper portion of the sky in large, white, blocky letters that have a soft, cloud-like texture. The overall composition is simple and evocative, suggesting a sense of possibility and future.

MANAGING THE CASE

- Arrange for receipt of medical information
- Review and monitor the information
 - Suspense next office visit for follow up
 - Review therapy progress notes
 - What issues, if any, does claimant share with therapist
 - What activities are performed outside of workplace
 - Offer work activities to physician for consideration
 - Coordinate RTW

SAME OLE' MEDICAL



Narrative

Brief

Repeats prior visit note(s)

Subjective



Work Status

Current date

Repeats prior work status

Preventative

BREAK THE CYCLE



Evaluate medical information

Improvement? Declining? Plateaued?

Objective tests and rationale?

Similar or same information as prior notes?



Compose correspondence to OWCP

Recap the medical information

Explain basis of request or argument

References or precedents to support position

REQUEST ASSISTANCE



**OWCP
determination**



**With attending
physician**



**With Second
Opinion (SECOP)**



Follow-up

*Adequate medical
evidence

*Capacity or incapacity
is objectively
supported

*Return to baseline (if
pre-existing involved)

FOLLOW UP

- OWCP requests from attending physician
 - 30 days to respond
 - Agency request to OWCP for response
 - Review response and act accordingly

- OWCP requests SECOP
 - Monitor for scheduling
 - Monitor for report
 - Obtain copy of report ARi / Request copy of report
 - Review...

REVIEW OF SECOP



- Does it conflict with attending physician?
- Review by attending physician?
 - Concurrence
 - No concurrence / no reply
- Weight of medical evidence
- Referee exam / evaluation
- Final result – act accordingly

TAKE ACTION

- Make appropriate job offer
 - Return to work limited duty
 - Permanent job offer
 - Request termination of benefits or benefits termination
 - Injury condition has resolved
 - No residual limitations
 - An employee must RTW
 - A former employee must APPLY for employment

AGENCY APPEAL RIGHTS

- NONE! Limited possibility for review
- Request OWCP District Director review
 - Sole discretion of District Director
 - Request within 30 days
 - Determined warranted by District Director
 - Mistake of fact or law
 - Changed conditions
 - May be made with or without new evidence or information
- Request for rescission

DENIALS AND APPEALS

- Notifications
- Limited Duty
- COP
- Employee Appeal Rights
 - Hearing
 - Reconsideration
 - Employees Compensation Appeals Board (ECAB)

HEARINGS

➤ **Claimant Action**

- Request within 30 days of Decision Letter date
- Oral Hearing (20 CFR Part 10, 10.615-10.617 & 10.621)

OR

- Written Review of the Record (20 CFR Part 10, 10.618)
- Additional information may be submitted

➤ **Agency Action**

- Respond to notice of hearing request
 - Indicate Agency attendance and request copy of transcript
- Attend hearing and take notes
- Review and comment on hearing transcript
 - Within 20 days of date of transmittal letter
 - Copy to claimant concurrently

RECONSIDERATION - EMPLOYEE

- Employee Reconsideration Request:
 - Must be requested within 1 year of date of Decision Letter
 - Must identify the decision and state the specific issue(s) for reconsideration
 - Employee can submit additional evidence to support claim

RECONSIDERATION -AGENCY RIGHT

- If Senior Claims Examiner (SCE) determines a request for reconsideration warrants a merit review, the agency should be notified, and in all cases where there is legal argument or factual basis, a copy of the application and copies of pertinent supporting documentation, excluding medical, should be sent to the employing agency.
- Agency will must review and submit comments / documents within 20 days of the letter
- Any comment or evidence received is subject to review by the claimant

20 CFR Part 10 (10.609a)

AGENCY RESPONSE – NOT AFFORDED

- Write OWCP and request decision be rescinded, due to the agency not being provided an opportunity to respond to reconsideration request of employee regarding factual / legal argument(s) in accordance with 20 CFR Part 10(10.609a)

ECAB APPEAL



➤ Employee

- Usually the “last” appeal pursued
- Based on evidence of record
- Request must be made within 180 days of date of Decision Letter

➤ Agency

- Monitor for Activity
- AQS assignment to ECAB
- Return to DOL District Office
- Follow up to ensure receive a copy of the decision

QUESTIONS?



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