

Thomson Reuters Law for the Layperson

WORKERS' COMPENSATION LAW

Second Edition

Margaret C. Jasper

Legal Almanac Series

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WORKERS' COMPENSATION LAW

Second Edition

by
Margaret C. Jasper

Legal Almanac Series:
Thomson Reuters' Law for the Layperson

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To My Husband Chris

Your love and support
are my motivation and inspiration

To My Sons, Michael, Nick and Chris

-and-

In memory of my son, Jimmy

ABOUT THE AUTHOR

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Adoption Law

AIDS Law

The Americans with Disabilities Act

Animal Rights Law

Auto Leasing

Bankruptcy Law for the Individual Debtor

Banks and their Customers
Becoming a Citizen
Buying and Selling Your Home
Commercial Law
Consumer Rights and the Law
Co-ops and Condominiums: Your Rights and Obligations As Owner
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DWI, DUI and the Law
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Health Care Directives
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Home Mortgage Law Primer
Hospital Liability Law
How To Change Your Name
How To Form an LLC

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The Law of Contracts
The Law of Debt Collection
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The Law of Immigration
The Law of Libel and Slander
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The Right to Die
Rights of Single Parents
Small Claims Court
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Special Education Law
Teenagers and Substance Abuse
Trademark Law
Trouble Next Door: What to do With Your Neighbor
Victim's Rights Law
Violence Against Women
Welfare: Your Rights and the Law
What if It Happened to You: Violent Crimes and Victims' Rights
What if the Product Doesn't Work: Warranties & Guarantees
Workers' Compensation Law
Your Child's Legal Rights: An Overview
Your Rights in a Class Action Suit
Your Rights as a Tenant
Your Rights Under the Family and Medical Leave Act
You've Been Fired: Your Rights and Remedies

INTRODUCTION

Workers' Compensation laws were enacted to protect employees who suffer work-related disability resulting from injury or disease, by providing monetary compensation and other benefits. This helps the employee avoid the financial disaster associated with loss of income and mounting medical bills, and eliminates the need for litigation with the employer. In addition, workers compensation laws provide benefits to the dependents of an employee who dies as a result of work-related injury or illness.

Workers' compensation laws are based on Federal and state statutes. State workers' compensation laws cover most workers who are not federal employees. The Federal statutes apply to federal workers. In addition, because Congress is constitutionally required to regulate interstate commerce pursuant to Article 1, Section 8 of the U.S. Constitution, certain workers employed in interstate commerce related activities are also covered under Federal law.

Although state workers' compensation laws may vary, this Almanac sets forth a general discussion of the common characteristics of a workers' compensation system. The reader is advised to check his or her own jurisdiction concerning issues that are state-specific, such as procedural rules or available benefits.

This Almanac also sets forth an overview of the Federal workers' compensation programs administered by the U.S. Department of Labor's Office of Workers' Compensation Programs ("OWCP"). The primary federal statute governing compensation for disabled non-military federal employees is the Federal Employment Compensation Act ("FECA").

In addition, this Almanac discusses the three other major federal disability programs administered by the OWCP: The Longshore and Harbor Workers' Compensation Program, which provides compensation and benefits to maritime employees and other related groups; The Black Lung Benefits Program, which provides compensation and benefits to

coal miners suffering from an occupational illness known as “black lung” disease; and The Energy Employees’ Occupational Illness Compensation Program, which provides compensation and benefits to employees of the Department of Energy.

An overview of additional federal disability programs is also presented, including the Federal Employment Liability Act; the Merchant Marine Act; Veterans’ Disability programs; and the Social Security Disability Insurance program.

The Appendix provides sample forms, applicable statutes, and other pertinent information and data. The Glossary contains definitions of many of the terms used throughout the Almanac.

Table of Contents

ABOUT THE AUTHOR	xi
INTRODUCTION	xv

CHAPTER 1: OVERVIEW OF WORKERS' COMPENSATION

IN GENERAL	1
HISTORICAL BACKGROUND	2
ADVENT OF WORKERS' COMPENSATION	2
PURPOSE	3
FEDERAL WORKERS' COMPENSATION PROGRAMS	3
The Federal Employees' Compensation Program	4
The Longshore and Harbor Workers' Compensation Program	5
The Black Lung Benefits Program	5
The Energy Employees' Occupational Illness Compensation Program	6
ADDITIONAL FEDERAL DISABILITY PROGRAMS	6
The Federal Employment Liability Act	6
The Merchant Marine Act	6
Veterans' Disability Programs	7
Social Security Disability Insurance	7
STATE WORKERS' COMPENSATION PROGRAMS	7
Type of Insurance Coverage Required	7
Compulsory Laws	7
Elective Laws	8
Purchasing Workers' Compensation Insurance	8
State Insurance Funds	8
Private Insurance Carriers	8
Self-Insured Employers	8
Eligibility for Workers' Compensation Benefits	8
Financing	9

Program Administration	9
Reporting Requirements	10
Time Limits	10
Payment of Compensation	10
Employer Immunity	11
Exceptions to Employer Immunity	11
Retaliation	11
Disability Discrimination	11
DISABILITY BENEFITS FOR WORKERS WHO SUFFER	
NON-EMPLOYMENT RELATED INJURIES OR ILLNESSES	12
Types of Disability Policies	12
Private Insurance	12
Government Insurance	13
Coverage	13
Short-Term Disability Insurance	13
Long-Term Disability Insurance	13
Employer-Provided Group Disability Insurance	13
Mandatory State Disability Programs	13
THIRD PARTY LIABILITY	14
Statute of Limitations	14
Proving Negligence	14
Duty	14
Breach of Duty	15
Foreseeability	15
Proximate Cause	15
Damages	16
Document the Accident	16
Retain an Attorney	17
MAINTAINING A SAFE WORKPLACE	18
Statistics	18
The Occupational Safety and Health Administration	18
Employee Rights Under the Occupational Safety and Health Act	19
Filing a Complaint with OSHA	20
Whistle Blower Protection	21
Safety Initiatives	21

CHAPTER 2:

FILING THE WORKERS' COMPENSATION CLAIM

TYPES OF WORKERS' COMPENSATION CLAIMS	23
INJURY CLAIMS	23
Causal Relationship	24
At the Place of Employment	24
Off-Site Injuries	24

Personal Activities	24
Lunch and Coffee Breaks	25
Travel Time	25
DISFIGUREMENT CLAIMS	25
OCCUPATIONAL DISEASE CLAIMS	25
Causal Relationship	26
Continuous Trauma	26
Schedule of Diseases	26
Medical Documentation	27
Aggravation of Pre-Existing Condition	27
Eligibility Restrictions	28
OCCUPATIONAL HEARING LOSS	28
DEATH CLAIMS	29
FILING THE WORKERS' COMPENSATION CLAIM	29
Notice to the Employer	30
Filing the Claim Form	30
Denial of Coverage	31
THE WORKERS' COMPENSATION HEARING	31
Legal Representation	31
Findings and Award	32
Settlement	32
Right to Appeal	32

CHAPTER 3: WORKERS' COMPENSATION BENEFITS

IN GENERAL	33
WAGE LOSS COMPENSATION	33
Percentage Based on Weekly Earnings	33
Length of Time Compensation is Payable	34
EXTENT OF DISABILITY	34
Temporary Total Disability	34
Permanent Total Disability	35
Temporary Partial Disability	35
Permanent Partial Disability	36
SCHEDULED DISABILITIES	36
MEDICAL BENEFITS	36
REHABILITATION BENEFITS	37
Federal-State Vocational Rehabilitation Program	38
SUBSEQUENT INJURY FUNDS	38
DEATH BENEFITS	39
OFFSET PROVISION UNDER THE SOCIAL SECURITY AMENDMENTS	39

CHAPTER 4:	
THE FEDERAL EMPLOYEES' COMPENSATION PROGRAM	
IN GENERAL	41
COVERED EMPLOYEES	41
TYPES OF FEDERAL WORKERS' COMPENSATION CLAIMS	42
Traumatic Injury Claims	42
Occupational Disease or Illness Claims	42
Death Claims	43
BENEFITS	43
Wage Loss Compensation	43
Temporary Disability	43
Permanent Disability	44
Cost of Living Increases	44
Attachment and Garnishment of Compensation Payments	44
Medical Benefits	44
In General	44
Seek Immediate Medical Attention	45
Choosing a Physician	45
Covered Medical Providers	45
Submit Timely Medical Bills	46
Vocational Rehabilitation	46
Survivor Benefits	46
Termination Provisions	46
Burial Expenses	47
FILING A CLAIM UNDER THE FECA	47
Legal Representation	47
Written Notice Requirement	47
Written Notice of a Traumatic Injury	48
Written Notice of Occupational Illness or Disease	48
Establish the Necessary Elements of the Claim	49
Required Proof - Causal Relationship	49
Time, Place and Manner	49
Medical Evidence	49
Performance of Duty Requirement	50
Lunch and Break Time	50
Recreational Activities	50
Travel Time	50
Continuation of Pay Claim	51
Time Limits in Adjudicating a Federal Compensation Claim	51
Injured Employees	51
Occupational Disease	51
Appeal Rights	52
Penalties for Filing a False Claim for Compensation	52

RETURN TO WORK PROVISIONS	53
RECURRENCE OF A WORK-RELATED DISABILITY	53
OWCP RIGHT TO REIMBURSEMENT FROM	
THIRD PARTY CLAIM RECOVERY	54
PRIVACY RIGHTS	54

CHAPTER 5:

THE LONGSHORE AND HARBOR WORKERS' COMPENSATION PROGRAM	
IN GENERAL	55
Covered Workers	55
Excluded Workers	56
FILING A CLAIM	56
BENEFITS	57
Monetary Benefits	57
Permanent Total and Temporary Total Disability	58
Permanent Partial Disability	58
Temporary Partial and Non-Scheduled Permanent	
Partial Disability	58
Permanent Partial Disability for Retirees	58
Medical Benefits	58
Vocational Rehabilitation	59
Death Benefits	59
Surviving Spouse	59
Children	59
Other Eligible Survivors	59
Termination Provisions	59
Funeral Expenses	60
ALTERNATIVE DISPUTE RESOLUTION	60

CHAPTER 6:

THE BLACK LUNG BENEFITS PROGRAM

IN GENERAL	61
THE DIVISION OF COAL MINE WORKERS' COMPENSATION	62
INSURANCE REQUIREMENT	62
THE BLACK LUNG DISABILITY TRUST FUND	62
FILING A CLAIM UNDER THE BLACK LUNG ACT	63
Claims Processing Procedure	63
Development of Evidence	63
Determination of Claim	64
Notice of Claim	64
Submission of Additional Evidence	65

Development of Evidence by the Claimant and the Responsible Operator	66
Evidence Regarding Liability	66
Medical Evidence	66
Claim Review	67
Informal Conference	67
Proposed Decision and Order	68
Administrative Hearing	69
Reconsideration and Appeal	69
Final Decision	69
BENEFITS UNDER THE BLACK LUNG ACT	70
Monetary Benefits	70
The Black Lung Monthly Benefits Rate for 2007	70
Part-B Black Lung Monthly Benefit Rates	70
Part-C Black Lung Monthly Benefit Rates	70
Medical Benefits	71
Diagnostic Testing	71
Medical Coverage	71
Death Benefits	71

**CHAPTER 7:
THE ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM**

IN GENERAL	73
ELIGIBILITY	73
Survivorship Rules	74
PART B BENEFITS	75
Lump Sum of \$150,000 and Medical Expenses	75
Lump Sum of \$50,000 and Medical Expenses	75
PART E BENEFITS	76
Variable Compensation	76
Wage Loss	76
Impairment	76
Survivorship	77
FILING A CLAIM	77
THE CLAIMS PROCESS	78
Lump Sum Payment	79
Obtaining Medical Benefits	79

**CHAPTER 8:
ADDITIONAL FEDERAL DISABILITY PROGRAMS**

THE FEDERAL EMPLOYMENT LIABILITY ACT	81
Damages	81

Filing a Claim	82
Settlement	83
THE MERCHANT MARINE ACT.....	84
Covered Employees	84
Requirements for U.S. Flagged Vessels	84
Workers' Compensation Provisions	84
VETERANS' DISABILITY PROGRAMS	85
Disability Compensation	85
Eligibility	85
Amount of Benefits	85
Applying for Disability Compensation Benefits	86
Related Benefits	86
Disability Compensation for Sexual or Personal Trauma.....	86
Eligibility	87
Amount of Benefits	87
Applying for Disability Compensation Benefits	87
Disability Pension	87
Eligibility	87
Amount of Benefits	88
Applying for Disability Pension Benefits	88
Related Benefits	88
Vocational Rehabilitation	88
Eligibility	89
Amount of Benefits	89
Applying for Vocational Rehabilitation Benefits	89
Related Benefits	89
Housing Assistance for Disabled Veterans and Military Personnel	90
Burial Benefits	90
Dependents and Survivors Benefits	90
Health Care Services	90
Service-Disabled Veterans Insurance.....	91
Benefits for Selected Reserve and National Guard Members	91
Active Duty Service	91
Non-Active Duty Service.....	91
Compensation.....	91
Medical Care.....	91
Vocational Rehabilitation	92
SOCIAL SECURITY DISABILITY INSURANCE.....	92