



DEPARTMENT OF THE NAVY  
UNITED STATES NAVAL ACADEMY  
ANNAPOLIS, MARYLAND 21402-5000

USNAINST 12810.1B  
24/C&BD

6 September 1990

USNA INSTRUCTION 12810.1B

From: Superintendent

Subj: EMPLOYEE OCCUPATIONAL ILLNESS/INJURY COMPENSATION

Ref: (a) FPM 810 (NOTAL)  
(b) PL 93-416  
(c) OPNAVINST 12810.1

1. Purpose. To publicize and provide information, procedures, and policies concerning injury compensation claims per reference (a).

2. Cancellation. USNA Instruction 12810.1A.

3. Information. This directive is a complete revision and should be reviewed in its entirety; no special markings appear because changes are extensive.

4. Background

a. The Federal Employees' Compensation Act (FECA), 5 USC 8101, provides compensation and medical care for all federal civilian employees for disability due to injury sustained while in the performance of duty. The term "injury" includes, in addition to injury by accident, a disease proximately caused by employment. It does not, however, include injuries resulting from participating in off-duty activities, such as softball leagues etc., that are not sponsored by the U.S. Navy. The act also provides for payment of benefits to dependents if the injury or disease causes the employee's death, i.e., payment of funeral and burial expenses and compensation for dependents.

b. Reference (b) amended the FECA to include continuation of regular pay for a period not to exceed 45 calendar days when an employee sustains a disabling job-related, non-controverted traumatic injury without charge to leave.

5. Injury Compensation Cost Reduction Committee. Per reference (c), the Injury Compensation Cost Reduction Committee is established and is responsible for recommending local policy and operational improvements for managing and reducing FECA costs. The committee will be chaired by the Deputy for Operations. In addition, membership of the committee will consist of the following:

Director, Civilian Personnel Department  
Injury Compensation Program Administrator  
Safety Manager, Naval Academy  
Safety Manager, Naval Station  
Deputy Comptroller  
Medical Officer, Navy Medical Clinic, Annapolis  
Public Works Department Representative  
Academic Dean Representative

6. Compensation Program Definitions

a. Traumatic Injury. A wound or condition of the body caused by an external force, including stress or strain. The injury must be identifiable as to the specific time and place of occurrence and part or function of the body affected. Traumatic injuries are caused by specific events or incidents within a single day or work shift. Also included in this category is damage or destruction to prosthetic devices or appliances, exclusive of eyeglasses and hearing aids when there is no physical trauma incurred.

b. Occupational Disease. An illness or affliction produced by systematic infections; continued or repeated stress or strain; exposure to toxins, fumes, etc., or other continued and repeated exposure to conditions of the work environment over a long period of time.

c. Continuation of Pay. An employee who sustains a disabling job-related traumatic injury may receive continuation of regular pay for a period not to exceed 45 calendar days. However, in no event will this be construed as requiring continuation of a person's employment beyond the date it would have terminated had the employee not been injured.

d. Claim Controversion. A situation wherein a claim filed by an employee for a job-related traumatic injury is contested by the immediate supervisor or another management official. A supervisor may controvert a claim by completing the indicated portion on Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, and by submitting detailed information in support of

controversion.

e. Non-controverted Injury. An injury which the supervisor feels is a legitimate on-the-job-injury.

f. Recurrence. A situation when, after returning to work, an injured employee is again disabled and/or stops work as a result of the original injury or occupational disease.

g. Light-Duty. Employees who are partially disabled, as determined by competent medical authority, will be provided limited duty or light duty work, commensurate with their physical limitations. A partially disabled employee, who is offered suitable work and refuses to work, is not entitled to continuation of pay or compensation. Supervisors, with the assistance of medical personnel, will identify duties which could be performed by the injured employee that would not aggravate his or her injury. If no duties are available within the employee's assigned area, the supervisor should then determine if duties exist within other areas of their department. When a determination has been made that there are no duties which could be performed by the injured employee within the department, the supervisor should provide a statement to this effect to the Injury Compensation Program Administrator (ICPA). The ICPA will coordinate additional light duty placement efforts.

## 7. Responsibilities

### a. Employee Responsibilities

(1) Employees must notify their supervisor immediately when injured or when they suspect contraction of an occupational disease.

(2) After sustaining a job-related traumatic injury, employees must obtain from their supervisor a Dispensary Permit (OPNAV 5100/9) as authorization to leave the job to report to the dispensary for treatment. In all cases except for serious injury where this is impractical, the supervisor will be notified of the injury immediately. The supervisor will then make sure the employee is sent to the Naval Medical Clinic. If the employee then elects to be treated by a private physician rather than the Naval Medical Clinic, a Form CA-16, Request for Examination and/or Treatment, will be provided by the Civilian Personnel Department authorizing the employee to be treated by a private physician or hospital.

(3) The employee, or someone acting on his or her behalf, will complete the employee's portion of Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation within two working days and indicate on the form whether he or she wishes to receive sick or annual leave or request continuation of regular pay for the period of disability. If claiming an occupational disease, complete the employee's portion of Form CA-2, Federal Employee's Notice of Occupational Disease and Claim for Compensation, and return it to the immediate supervisor. Lost time due to an occupational disease is initially charged to sick, annual leave or leave without pay. If the claim is accepted by Department of Labor, a Leave Buy-Back can be processed to compensate the employee for any leave used.

(4) If fully disabled from duty, the employee will report to the Compensation Office in person if able, or by telephone. Appropriate leave will be annotated, and reporting instructions will be reviewed. Employees shall notify their supervisor of their status. Thereafter, compensation is to be claimed on Form CA-7 (Claim for Compensation on Account of Traumatic Injury or Occupational Disease) and/or CA-8 (Claim for Compensation on Account of Disability). The appropriate form will be issued by the Compensation Clerk, Civilian Personnel Department.

(5) Employees must support all claims for continuation of pay and/or compensation with medical evidence substantiating physical disability for duty. It is the employee's responsibility to arrange for the submission of medical evidence. Forms CA-16, (Authorization for Examination and/or Treatment); CA-17, (Duty Status Report); and the physician's reports are to be used to support periods of continuation of pay. Form CA-20 (Attending Physician's Report) and other physicians reports will substantiate claim for compensation due to wage loss.

### b. Supervisor's Responsibilities

(1) Make sure their employees are made aware of the injury/illness reporting requirements of this instruction.

(2) Upon receiving notice that an employee has sustained a work related injury, issue the injured employee a Dispensary Permit (OPNAV 5100/9), and have him/her proceed to the Naval Medical Clinic, Occupational Health Department for treatment. Make sure compensation claim CA-1, Supervisory Section, is completed and promptly forwarded to the Civilian Personnel Department. This CA-1 form, fully completed together with all pertinent information and documentation, must be submitted to the Compensation Office within two working days following the receipt of the form from the employee.

(3) Assist employee in obtaining medical treatment for on-the-job injuries.

(a) If an employee sustains an injury on the job, any time left during the initial day/shift is regarded as duty status and will not be charged or recorded as sick or annual leave. Also, scheduled overtime for that day will not be reduced or extended for purposes of the treatment.

(b) If an employee is injured during any unscheduled overtime tour of duty, the employee will be carried in a pay status for the time spent receiving emergency treatment or examination not to exceed two hours.

(c) If, on the day of the injury, after receiving treatment or examination, the employee is not returned to duty, any time remaining in the employee's scheduled workday will be regarded as official duty time and will not be charged or recorded as leave.

(4) Advise the employee of the right to elect annual or sick leave or continuation of regular pay if the injury is disabling.

(5) Make sure if continuation of regular pay is elected administrative leave code 78 is charged for the portion of the day or shift on which the disability begins. Code 68, Continuation of Pay, is charged from the beginning of the first full day or first full shift on which the disability begins, until the employee is medically able to return to duty.

(6) Make sure all hours are annotated on the time/labor card as leave hours and pay code 68 is entered with the correct number of hours used.

(7) Bi-weekly, notify Compensation Clerk by memo, or copy of time card, regarding charge recorded on employee's time-labor card.

(8) Immediately investigate claims and controvert when appropriate. Supervisors are responsible for thoroughly investigating employee injuries. The supervisor must make sure there is sufficient evidence to prove the employee sustained a job-related injury. When positive evidence cannot be obtained concerning the injury and there is reasonable doubt the injury is job-related, the supervisor has the responsibility to controvert the employee's claim. Supervisors desiring assistance or advice concerning the controversion of a reported injury, should contact the ICPA. If the supervisor controverts the employee's claim, explanation of the controversion will be submitted to Office of Workers' Compensation Program (OWCP), on the supervisor's portion of the Form CA-1, or on a separate narrative report, or both.

(9) After the employee has been treated and/or examined following a traumatic injury, the supervisor will review the Dispensary Permit; see the employee complies with the medical doctor's recommendations; and complete the supervisor's portion of the Form CA-1, being sure to include the employee's pay rate and the supervisor's department and telephone number. If the employee returns to duty by the day following the day of the injury, supervisors are to note "No Lost Time" in Item #31.

(10) If the medical doctor assigns the employee to a "light-duty" status, the supervisor will notify the department head via the supervisory chain. If it is determined no "light-duty" is available within the department, the ICPA will be notified in writing. For this program to be cost effective, every effort must be made to find some kind of light-duty, in line with medical restrictions noted, for all injured employees.

(11) Notify the Safety/Health Department upon receipt of notice from the employee, or someone acting on the employee's behalf, that an injury occurred. Report to the Safety Manager any unsafe or hazardous conditions discovered during the investigation. Complete and submit Supervisor's Report of Mishap (Injury), (Form #USNADME 5100.7).

(12) Promptly investigate the injury or illness to determine whether it is occupational or not and take any appropriate corrective action to prevent recurrence.

(13) Upon receiving notice an employee has sustained an occupational disease, the supervisor will:

(a) Advise the employee to furnish supporting medical and factual information requested on the instruction sheet attached to the CA-2. If possible, all information requested should be submitted as a complete package to the Compensation Clerk for filing with OWCP.

(b) Advise the employee of the right to elect sick or annual leave, pending adjudication of the claim to OWCP.

(14) Maintain communications with injured employees regarding recovery, return-to-work plans, etc.

c. Compensation and Benefits Division Responsibilities

(1) Assist employee and supervisor in completing necessary forms and process all claims for forwarding to the OWCP.

(2) Perform necessary liaison with the regional offices of OWCP.

(3) Assist employees, including relatives or others acting in their behalf, to obtain benefits due, including expediting of cases to and at OWCP.

(4) Prepare responses or provide information for responses concerning workers' compensation matters in inquiries from congressional sources, OWCP, physicians, attorneys, etc.

(5) Maintain compensation records per applicable directives.

(6) Develop statistical and analytical reports as required by management or other Naval commands.

(7) Review all claims for compliance with FECA requirements and initiate corrective action when necessary.

(8) Monitor charges against traumatic injury job order to ensure their appropriateness.

(9) Provide FECA information to attending physician.

(10) Contact physicians to establish employee's ability to return to job.

(11) Assist the supervisor and Safety Manager in making determinations of type of injury sustained by employee.

(12) Provide attending physicians with all assistance/information relative to position requirements and light-duty options.

d. Safety and Occupational Health Responsibilities

(1) Assist employee, supervisor, and compensation personnel in their respective responsibilities.

(2) When an employee is injured, establish immediate communication with the employee's supervisor, investigate job-related injuries, and take action as necessary.

e. Occupational Health Responsibilities

(1) Provide treatment to employee.

(2) Refer employee to appropriate medical authorities if unable or not requested to provide required treatment, instruct employee to report to the Compensation Clerk, Civilian Personnel Department, for issuance of appropriate forms.

(3) Review private physician's medical documentation to make sure employee is fit to return to regular or light-duty status.

(4) Forward copy of medical documentation to make sure employee is fit to return to regular or light-duty status.

f. Responsibility of Compensation Beneficiary - Non-traumatic Injury. An injured employee, or someone acting on the employee's behalf, is required to give notice of injury and file claim for compensation for disability within the time specified by the compensation law (FPM 810, Subchapter 2). Form CA-2 is provided for this purpose. If the injured employee dies, dependents are required to file a claim for compensation for death within the specified time, with the exception that the timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury. Notices and claims are to be filed with the employee's supervisor who will forward them to the Compensation Office who will, in turn, submit the notice and claim to the proper OWCP district office. The person claiming benefits must, thereafter, submit any other reports and proof that OWCP may require directly to OWCP, with copies to the Compensation Office.

8. Representation. A claimant may be represented by a federal union official or other person on any matter pertaining to an injury or death occurring in performance of duty. This representation should be authorized in writing by the claimant. No claim for legal services or for other services rendered in a case, claim, or award of compensation will be valid unless approved by the OWCP.

9. Penalties

a. Employees filing false claims or reports, or failing to file necessary reports, are subject to administrative action.

b. In addition to administrative actions, employees are subject to federal laws and can be penalized per current provisions of those laws governing workers' compensation.

10. Forms. The Dispensary Permit, OPNAV 5100/9, and CA-1, are available and will be distributed by the supervisor. Forms CA-16 and CA-20 will be distributed by the Compensation and Benefits Division. All CA Forms are available from the personnel staff and are as follows:

CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation
CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation
CA-3	Report of Termination of Disability and/or Payment
CA-5	Claim for Compensation by Widow, Widower, and/or Children
CA-5b	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren
CA-6	Official Superior's Report of Employee's Death
CA-7	Claim for Compensation on Account of Traumatic Injury
CA-8	Claim for continuing Compensation on Account of Disability
CA-16	Request for Examination and/or Treatment
CA-17	Duty Status Report
CA-20	Attending Physician's Report
CA-20a	Attending Physician's Supplemental Report

  
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Deputy for Operations

Distribution:

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