



DECA MANUAL 50-23.01

INJURY COMPENSATION PROGRAM

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Purpose: This manual issuance contains information and guidance about injury compensation benefits to be paid to DeCA civilian employees for disability due to personal injury, disease, or death arising from or within the scope of their employment with DeCA.

TABLE OF CONTENTS

SECTION 1: GENERAL ISSUANCE INFORMATION	3
1.1. Applicability.	3
1.2. Policy	3
SECTION 2: RESPONSIBILITIES	5
2.1. Employee	5
2.2. Supervisor	5
2.3. Injury Compensation Program Administrator (ICPA).....	6
2.4. Store Point of Contact (SPOC).	7
2.5. Federal Employees Compensation Act (FECA).....	7
2.6. DeCA’s Safety Support Manager	8
2.7. HQ Director of Human Resources.....	8
SECTION 3: PROCEDURES	9
3.1. Determines Medical Needs	9
3.2. ECOMP (Employees Compensation Operational Management Portal).....	9
3.3. Forms	9
3.4. Continuation of Pay	10
3.5. Supervisors Follow-Up	10
3.6. Claim Challenge.....	10
3.7. COP (Continuation of Pay) Stopped.....	11
3.8. Supervisors Responsibility.....	12
SECTION 4: INVESTIGATIONS INTO FRAUD	13
4.1. Fraud Investigation	13
4.2. Fraud Determination	13
GLOSSARY	14
G.1. Acronyms	14
G.2. Definitions.....	Error! Bookmark not defined.
REFERENCES	15

SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This manual applies to all DeCA activities and all DeCA personnel in accordance with (IAW) Department of Defense (DoD) Directive 5105.55, Defense Commissary Agency, (DeCA).

1.2. POLICY. It is DeCA policy that:

a. An employee who is injured or who suffers an illness because of job-related factors may be eligible for compensation payments under the “Federal Employees’ Compensation Act” (FECA), Title 5 United States Code, Section 8101, et seq. It is DeCA’s policy to facilitate processing of such claims to the Office of Workers’ Compensation Program (OWCP) in a timely manner, based upon acquisition of needed information so that a final OWCP decision concerning benefit entitlements can be reached. DeCA recognizes and endorses an employee’s right to benefits. When claims are submitted that are not substantiated by the facts, these findings will be raised to OWCP for consideration. In cases where fraudulent claims are supported by evidence, appropriate action will occur, which may include submission of the case to the U.S. Department of Justice for prosecution.

b. DeCA HQ Workers’ Compensation Program Manager (WCPM) will provide operational guidance, advice, and assistance concerning injury compensation program matters. The HQ program manager will oversee the overall administration of the program, develop broad program policy and guidance, and provide guidance concerning policy interpretation or changes.

c. Included under the HQ WCPM are Injury Compensation Program Administrators (ICPAs) who, IAW the “ICPA for Federal Employees,” U.S. Department of Labor Publication CA 810, are functionally assigned to manage their respective areas of responsibility. ICPAs develop strategies and methods to manage the program, ensuring accountability of all costs; timely processing of claims; and advising supervisors, managers, employees, medical and safety personnel, as well as any other officials regarding their responsibilities under this program.

d. The HQ will establish a FECA working group to discuss matters pertaining to the Injury Compensation Program. This group is authorized to review processes and make recommendations concerning all facets of the Injury Compensation Program. This group will be comprised of the program manager, who will chair the group; ICPAs, as well as representatives from the safety, operations, resource management, and/or general counsel areas, as determined appropriate. Officials from the medical community may also be invited to participate if determined appropriate. This group will meet quarterly and more if needed.

e. To the extent possible, supervisors will accommodate the needs of an employee who has suffered an on-the-job injury or illness, unless undue hardship to the mission would result. When feasible, every effort will be made to re-employ current long-term and former DeCA

employees who are in receipt of disability compensation, IAW with Title 20, Employees' Benefits, Code of Federal Regulations (CFR), Part 10.

f. While DeCA fully supports an employee's entitlement to workers' compensation benefits for a work-related injury, DeCA's primary objective is to keep compensation costs down. To this end, the Agency will aggressively pursue costs containment measures. Such measures will include promoting a safe working environment and aggressively managing workers' compensation claims.

SECTION 2: RESPONSIBILITIES

2.1. EMPLOYEE. The employee shall:

- a. Strive to work safely and immediately report all unsafe working conditions or practices to their supervisor or manager on duty.
- b. Immediately report a work-related traumatic injury or occupational illness to the first-level supervisor or manager on duty. Complete the OSHA 301 form and the CA-1, Notice of Traumatic Injury, or CA-2, Notice of Occupational Illness/Injury, through the Employee Compensation Operations Management Portal (ECOMP). (NOTE: Procedures to report hazards and to file an accident report (DeCA Form 30-301) are contained in *DeCAM 30-17.1. The importance of immediately reporting and providing required medical information concerning all on-the-job injuries or illnesses to the immediate supervisor cannot be over-emphasized. Delay in reporting an injury or illness and completing the CA-1 and CA-2 can impact timely processing of claims. Prompt and accurate reporting of all facts pertinent to claims will help expedite OWCP decisions. Reporting injuries and illness and completing required forms can be accomplished by someone acting on an employee's behalf, to include a family member, union official, representative, or Agency official, in the event the employee is incapacitated.
- c. Be responsible for providing medical documentation immediately. Failure to provide this information within 10 calendar days from date of injury or date Continuation of Pay (COP) is requested may impact processing, delay benefit entitlements, delay a decision concerning the claim, or may result in a denial of COP. An employee filing a claim for compensation benefits who knowingly provides false statements or fraudulent information is accountable under criminal or civil prosecution guidelines, administrative directives, or both.
- d. Be responsible for ensuring all billing for services from medical providers and others for which he/she believes reimbursement is authorized is submitted to the OWCP.
- e. Be responsible for providing the OWCP claim number to the medical provider.
- f. Be responsible for returning to work when medical documentation indicates the employee may return to full or limited duty.

2.2. SUPERVISOR. The supervisor shall:

- a. Enforce safety and health regulations and promote safe working practices.
- b. Immediately upon notification of an alleged on-the-job traumatic injury or illness, will advise the employee of their entitlement to choose a treating physician. They may choose

any licensed physician in private practice who is not excluded from the OWCP or choose to be treated at a government facility if one is available.

c. Upon receipt of an email notification from ECOMP that an employee has filed a claim, the supervisor shall use the link provided in the email to complete their portion of the claim. The electronic CA-1 or CA-2 must be forwarded to OWCP within 10 workdays to be considered “timely filed” with OWCP. Therefore, it is imperative that the supervisor complete their section as soon as possible and forward the electronic version to the ICPA no more than 5 days after receipt from the employee to ensure the claim is submitted to OWCP in a timely manner.

d. Investigate the circumstances of the incident; obtain statements from witnesses, if any; and record and report findings to the appropriate personnel. If the supervisor challenges the claim, they must provide their rationale along with any documentation to support their position.

e. Participates in efforts to restore recovered and partially recovered employees to duty by providing restricted/limited duty assignments.

2.3. INJURY COMPENSATION PROGRAM ADMINISTRATOR (ICPA). The ICPA shall:

a. Provide advice and assistance to employees and supervisors concerning the program and submission of OWCP claims IAW U.S. Department of Labor Publication CA 810, “Injury Compensation for Federal Employees,” and DoD Instruction 1400.25-V810.

b. Coordinate with supervisors when challenging a claim to ensure all documentation is completed and forwarded to OWCP in a timely manner.

c. Ensure claims are processed in a timely manner by verifying electronic forms are forwarded to OWCP within the 10-workday time limit established by Department of Labor (DoL).

d. Review medical documentation to determine if COP is warranted and advise supervisor in controverting the COP or requesting acceptable medical documentation. If the controversion is upheld by OWCP, the ICPA will advise the supervisor and coordinate to have time cards corrected. If the claim is denied, the ICPA will notify the supervisor of the same.

e. Track and monitor COP and process claims for wage loss compensation, leave buy back, or schedule awards.

f. Review claims for compensation benefits to ensure required documentation is provided in order to determine eligibility for compensation.

- g. Review leave buy back requests and coordinate with the payroll office and DoL to ensure entitlement.
- h. Develop and implement processes that may result in reduction of injury/illness costs, such as re-employment strategies and challenging questionable claims.
- i. Provide statistical data related to compensation claims and the reduction of injuries/costs.
- j. Review the DoL chargeback listing for accuracy and for use in case management. Track old and new claims through established procedures by the program manager.
- k. Work with OWCP officials, rehabilitation counselors, management, and the medical community to return employees to duty.
- l. Work with appropriate DoD workers' compensation liaison officials to resolve difficult issues and problem cases.
- m. Provide training to supervisors as necessary.

2.4. STORE POINT OF CONTACT (SPOC). The SPOC shall:

- a. Provide employees the brochure and instructions for filing a claim through ECOMP.
- b. Assist employees who are trying to file their claim through ECOMP or assist management in completion of their portion of the claim.
- c. Forward documentation on behalf of the employee or management.

2.5. FEDERAL EMPLOYEES COMPENSATION ACT WORKING GROUP (FWG).
The FWG shall:

- a. Discuss matters pertinent to the Injury Compensation Program. The working group is authorized to review processes and make recommendations concerning all facets of the Injury Compensation Program.
- b. Make recommendation on the operation of the program, including but not limited to:
 - (1) Re-employment of injured workers;
 - (2) Processes that may result in reduction of injuries/illnesses associated with the job;
 - (3) Challenging claims;

- (4) Fraudulent claims;
- (5) Other related FECA matters

2.6. DeCA'S SAFETY SUPPORT MANAGER. The safety support manager shall:

- a. Use the injury/illness compensation claim form to augment the DeCA accident reporting system to gather evidence of unsafe practices or hazardous conditions.
- b. Perform or request an investigation of the event to prevent recurrence. May provide factual information from the accident for use in the compensation investigation report.
- c. Serve as a member of the FECA working group.

2.7. HEADQUARTERS (HQ) HUMAN RESOURCES (HR) DIRECTOR. The HR Director shall:

- a. Provide overall policy guidance on matters pertaining to the Injury Compensation Program.
- b. Appoint a workers' compensation program manager, who will assist in the development of Agency-wide policy, program goals, monitoring progress, and compliance with DoL rules and regulations.

SECTION 3: PROCEDURES

3.1. DETERMINING MEDICAL NEEDS. Regardless of the category of medical condition, the first concern will be to determine if the employee needs immediate medical care. If immediate care is needed, emergency services will be contacted and/or the employee will be transported to the closest available medical facility. If the injury does not constitute an immediate medical emergency, the supervisor should advise the employee of their right to file his/her claim through the ECOMP.

3.2. ECOMP. The employee will need to establish an ECOMP account, this account is valid as long as they are in DeCA, even if they move from store to store, and they will only need to update the profile to include the new store. Once the account is established, the employee will need to complete both their portion of the OSHA 301 and the CA-1/CA-2. The forms will flow through the ECOMP system under two separate Employee Control Numbers (ECN) to the supervisor specified. The supervisor will receive two separate emails (one for each document) from noreply@ECOMP.dol.gov with a link. They should copy the link into their web browser and press enter. This will bring up the employee's form for review and completion. This should be completed within 5 workdays of receipt of the initial email. When completing the form, a PDF copy may be printed for the supervisor's file. Once the supervisor has completed their portion in the ECOMP system, it will flow to the ICPA for final processing and submission to DOL. Signed statements from witnesses to the injury, if any, should be obtained and the supervisor or person responsible for the employee should make a narrative report of their investigation into the facts of the injury. This report must include when and how the injury or illness was brought to the attention of the supervisor if they did not personally witness the accident. If the employee is filing a recurrence of injury, they must file a hard copy CA-2a, "Notice of Recurrence". The supervisor will review and complete page 2 and forward the form to the DeCA HQ ICPA, either via fax or scan, along with any documentation the employee submits to support the claim. Processing the claim should not be held up waiting for medical documentation, witness statements, investigations, etc.

3.3. FORMS. If the employee has submitted their claim for a traumatic injury and requests medical treatment, the supervisor shall provide the employee with a CA-16, "Authorization for Examination and/or Treatment," for medical treatment. Only one CA-16 shall be issued per claim and it must be issued within 48 hours of the injury. The supervisor should complete the first page, inserting the facility at which the employee is seeking treatment, the injured body part of the employee, and a brief synopsis of the injury to the employee, then sign and date it. The employee will take this to the facility with them and the physician may complete page 2, which provides the medical notes. Physicians do not always complete Agency forms, but rather will use their own forms, which is fine. If medical treatment is sought beyond 48 hours of the injury, the supervisor may issue a CA-17, "Duty Status Report." Supervisors should complete the left side of the form based on the physical requirements of the employee's permanent position. The physician will complete the right-hand side with any restrictions that they deem necessary during the recovery phase.

3.4. CONTINUATION OF PAY. The employee may be eligible for uninterrupted pay beyond the date of injury without charge to leave. The only payment the employee will not be paid is Sunday Premium, since they must actually work this in order to be paid. This benefit is called COP and is granted when the following conditions are met IAW Title 20, Code of Federal Regulations, Part 10

- a. The employee suffered a traumatic injury and filed the Form CA-1 within 30 days of the injury.
- b. The employee has provided valid medical documentation within 10 calendar days of filing the claim to show that they cannot work in any capacity due to the injury. For medical appointments, the employee is entitled up to 4 hours of COP.
- c. The absence from the injury begins within 45 calendar days from the date of injury.
- d. The employee's absences do not exceed a total of 45 calendar days of COP. COP is counted in whole day increments. If an employee works partial days, the entire day is counted toward the 45-day entitlement. COP shall continue if the employee is hospitalized on the 45th day until the employee is released from the hospital.

3.5 SUPERVISOR FOLLOW-UP. Supervisors should check with the ICPA for instructions on proper time-keeping procedures for employees who are receiving COP. It is important to note that COP is not authorized for occupational diseases or injuries for which a CA-2 has been filed. Supervisors should stay in contact with the employee during this period to ensure that the employee is receiving necessary medical treatment and to determine if the employee is able to return to duty with or without accommodation. Supervisors will attempt to assign injured employees to duties consistent with their medical restrictions. If no suitable assignment is found within the employee's department, the supervisor will make attempts to place the employee with other departments within the commissary. There is no requirement to confine an employee's placement to a single job or to the same job the employee was performing when injured. It may be necessary to assign the employee to duties found in two or more different jobs that are compatible with the employee's limitations. While the employee is temporarily assigned to limited/restricted duty, the employee's pay or grade is not affected. The ICPA will work with the supervisor to monitor the employee's potential recovery and re-employment status during the COP and compensation periods.

3.6. CLAIM CHALLENGE. Sometimes a supervisor may object to the claim and/or COP.

- a. The supervisor may challenge a claim in its entirety because of insufficient information, questions of fact, or other reasons specified by governing directives. Challenges will be based upon available evidence that may contradict the employee's claim. Detailed information should be submitted immediately in support of the challenge.

b. The supervisor may controvert COP by completing the indicated portion of the CA-1.

c. OWCP makes the official decision whether to accept or deny a claim and/or COP. Even though a claim is challenged or controverted, the agency must continue the employee's regular pay status unless at least one of the following conditions applies:

(1) The disability was not caused by a traumatic injury.

(2) The employee is not a U.S. citizen.

(3) The injury occurred off government premises and the employee was not involved in performance of official duties.

(4) The injury was caused by the employee's willful misconduct or the employee's intoxication was the proximate cause of the injury.

(5) The injury was not reported on CA-1 within 30 days following the injury.

(6) Work stoppage first occurred 45 days or more after the injury.

(7) The employee initially reported the injury after employment was terminated.

(8) The employee is a volunteer working without pay or for nominal pay, or is a member of the office staff of a former president.

(9) The employee is enrolled in the Civil Air Patrol, Peace Corps, Youth Conversation Corps, Work Study Programs, or other similar groups.

d. The supervisor may not authorize COP under any of the above conditions. If the employee is otherwise eligible for COP, but the claim is later denied by OWCP, then OWCP will direct the agency to change the COP absences to leave or leave without pay (LWOP). If the employee does not have enough leave to cover the COP period, they will be indebted to the agency.

3.7. COP STOPPED. When COP has been granted to the employee, it may be stopped only when at least one of the following circumstances is present:

a. Medical evidence that supports the work-related incapacitation is not received within 10 calendar days after the claim is submitted.

b. The medical evidence shows that the employee is not disabled from his or her regular position and the agency can provide duties to support the medical restrictions.

- c. The medical evidence shows the employee is not totally disabled, and the employee refuses a suitable offer to an alternative position.
- d. The employee returns to work with no loss of pay.
- e. OWCP directs the employer to stop COP.
- f. COP has been paid for the 45 calendar days.

3.8. SUPERVISORS RESPONSIBILITY. Supervisors will be actively involved in actions to reduce the costs associated with workers' compensation claims. These actions are collectively referred to as case management and include, but are not limited to, the following:

- a. Ensure all documents are accurate and completed within established time frames.
- b. Monitor COP days and accuracy of posting to timecards to ensure that COP does not exceed 45 calendar days.
- c. Work with the ICPA and medical officials to return the employee/former employee to work as soon as possible.
- d. Strive to provide the employee with gainful employment considering the employee's abilities and medical restrictions. This effort may involve temporary or permanent job modifications or placement into an entirely new occupational category.

SECTION 4: INVESTIGATION INTO FRAUD

4.1. FRAUD INVESTIGATION. The supervisor or other authorized personnel will investigate any suspected or reported allegations of fraudulent compensation claims. Such investigations may include gathering of witness statements, evidence of other employment or volunteer activities, etc. Any knowledge of alleged fraud will be reported to the HQ ICPA, as appropriate.

4.2. FRAUD DETERMINATION. Following a review of all pertinent documentation, a determination will be made whether to request assistance of other officials to pursue the matter. Provided there is sufficient evidence of possible fraud, the case should be brought to the attention of the DeCA HQ Investigations Office, the DoD OWCP Liaison Office, and the appropriate DoL District Office.

GLOSSARY

G.1. ACRONYMS.

CFR	Code of Federal Regulations
COP	Continuation of Pay
DeCA	Defense Commissary Agency
DECAM	Defense Commissary Agency Manual
DOD	Department of Defense
DOL	Department of Labor
ECOMP	Employees' Compensation Operational Management Portal
FECA	Federal Employees Compensation Act
HQ	Headquarters
IAW	In Accordance With
ICPA	Injury Compensation Program Administrator
IG	Inspector General
LWOP	Leave Without Pay
OSHA	Occupational Safety and Health Administration
OWCP	Office of Workers' Compensation
SPOC	Store Point of Contact
U.S.	United States
WCPM	Workers' Compensation Program Manager

REFERENCES

- DeCA Directive 50-23, Injury Compensation Program,” March 18, 2022
DeCAM 30-17.1, “DeCA Safety and Occupational Health Program,” March 13, 2020
DoD Directive 5105.55,” Defense Commissary Agency (DeCA),” March 12, 2008
DoD Instruction 1400.25-V810, “DOD Civilian Personnel Management System: Injury Compensation,” April 16, 2009
Title 5 United States Code, Section 8101 et seq. “Federal Employee Compensation Act,” January 1, 2018
Title 20, Code of Federal Regulations, Part 10, “Employee Benefits Code,” April 1, 2012
U.S. Department of Labor Publication CA 810, “Injury Compensation for Federal Employee,” Revised 2009