

MINNESOTA NATIONAL GUARD
REGULATION
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SAINT PAUL, MN

STATE OF MINNESOTA
DEPARTMENT OF MILITARY
AFFAIRS
ADJUTANT GENERAL'S OFFICE
1 March 1993

TECHNICIAN INJURY COMPENSATION

General

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*This Minnesota National Guard Regulation supersedes Minnesota Technician Pamphlet Number 925 dated 5 July 1988.

1. General.

a. The Federal Employee's Compensation Act (FECA), provides compensation and medical care for all civil officers and employees of all branches of the Government of the United States for disability due to personal injuries sustained while in the performance of duty and to disease clearly caused by employment. The action also provides for payment of funeral and burial expenses and compensation for the dependents if the injury or disease causes the employee's death.

b. For the purpose of this coverage, a technician is within the scope of employment when performing authorized travel in a duty or temporary duty status in any conveyance, regardless of whether or not the requirement to travel is included in the technician's job description. This does not include travel to and from work, travel while in a military status, or during State active duty. However, it must be recognized that such cases must be judged on its own merits, and the final authority for such decision is the Office of Worker's Compensation.

b. Technicians are responsible for reporting personal injuries to their supervisor. The technician is required to give their official supervisor written notice of injury within 30 days after an injury in the performance of duty. Form CA-1 (Federal Employee's Notice of Traumatic injury and Claim for Continuation of Pay/Compensation) should be used for this purpose. Compensation may be denied if notice of injury is not given within 30 days, or, if the immediate supervisor does not have knowledge of the injury.

d. Supervisors are responsible for accurate, complete, and prompt submission of personal injury claim forms to the Support Personnel Management Office (SPMO) or remote designee at air bases.

e. The SPMO is responsible for the receipt and review of all technician personal injury claims and the prompt forwarding of such claims to the U.S. Department of Labor.

2. Forms.

a. Supervisors will maintain an adequate supply of the basic forms required for the proper recording and reporting of injuries. They are:

CA-1 Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.

CA-2 Notice of Occupational Disease and Claim for Compensation

CA-2a Notice of Employee's Recurrence of Disability and Claim for Pay/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 Physicians Report

CA-20a Attending Physicians Supplemental Report

HCFA 1500 Health Insurance Claim Form

b. Above forms may be requisitioned through normal requisition channels.

3. Benefits.

A. Medical Care: An injured technician is entitled to first aid and medical care for any injury, including hospitalization when needed. Medical care is to be provided by a local private physician or hospital of the technician's choice. When travel is necessary to receive medical care, the injured technician may be furnished transportation and reimbursement for travel and incidental expenses.

B. Temporary Total Disability:

(1) (a) A technician who sustains a disabling job-related traumatic injury is entitled to continuation of pay (COP) for a period not to exceed 45 days. (NOTE: In no event shall this be construed as requiring continuation of a person's employment beyond the date it would have terminated if the technician hadnot been injured.)

(b) In the event a technician is injured after

returning to work, and the injury which occurs is unrelated to any previous injury claimed, they may file a new form CA-1 claiming such injury and would be entitled to a new period of COP.

(c) The day the injury occurs does not count toward the 45 day COP entitlement.

(2) The employer must continue the injured technician's pay UNLESS the claim falls into one of the following categories:

(a) The disability is a result of an occupational disease or illness.

(b) The injury occurred off the employer's premises and the technician was not involved in official "off premises" duties.

(c) The injury was caused by the technician's willful misconduct; the technician intended to bring about injury or death of him/herself or another person; or intoxication was clearly the cause of the injury.

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

(e) Work stoppage first occurred ninety days or more following the injury.

(f) The technician reports the injury after their employment has been terminated.

(3) For further clarification call SPMO.

(4) Whenever persons listed above are entitled to compensation, but are excluded from continuation pay for the 45 day period, their entitlement of FECA compensation payments will begin from the date of pay loss, subject to other applicable sections of

FECA.

(5) When an injured Army technician is entitled to COP, time lost will be recorded on the Time and Attendance Record (T&A) as Administrative Leave with annotation in the remarks section for number of actual COP hours used. If the technician is paid by Air Guard, the time lost will be shown on the T&A as "COP". A diminishing record of the 45 day limitation is to be maintained in the remarks block of the T&A for both Army and Air Guard technicians. (Note: Final approval for entitlement to COP rests with the Office of Workers' Compensation Programs (OWCP). In the event COP is disapproved by OWCP, they will be charged sick leave, annual leave, leave without pay, or a combination thereof at the technician's discretion and reimburse the National Guard for pay received during the period COP was credited if necessary).

(6) Computation of COP. Unless the injury occurs before the beginning of the work shift, time lost on the day of injury is counted as a normal work day. COP begins with the first day that there is lost time after the date of injury, provided that the absence occurred within 90 days after the injury. COP can be used only if there is medical substantiation for absence from work. COP should be charged for weekends and holidays if medical evidence shows the employee was disabled for a period of consecutive days. If time lost is for only a portion of a work shift, a full day of COP will be counted against the 45 calendar day entitlement, even though the employee is not entitled to COP for the entire day. (For Example: An employee is scheduled for a followup doctors visit and must lose two hours from work to go to the appointment, he/she is entitled to only two hours of COP even though one full calendar day will be counted against the 45 day limit.)

(7) The agency may controvert continuation of pay by completing the appropriate block on the CA-1 and submitting detailed information in support of the controversy to OWCP. (8) Pay is continued after the technician stops work because of a disabling injury until:

(a) The SPMO or the supervisor receives medical information from the attending physician to the effect that the technician is no longer disabled.

(b) The employee willfully returns to work and completes a CA-3.

(c) The SPMO receives notification from OWCP that pay should be terminated.

(9) When an injured technician has wage loss due to temporary total disability resulting from an injury, compensation is payable at the rate of 66 2/3 percent of their regular pay if no dependents and the compensation rate is increased to 75 percent when there are one or more dependents.

(10) If the technician has sick or annual leave to their credit, they must elect whether to use their leave or to receive compensation.

(11) A technician may decide to take sick or annual leave, or both, to avoid possible interruption of income. If so, and the claim for compensation is subsequently approved by OWCP, they may arrange with the appropriate payroll office to buy back leave used and have it reinstated. The compensation to which they are entitled would pay a part of the buy-back cost and the technician would have to pay the balance. The appropriate payroll office will help the technician determine how much the buy-back cost would be. If a technician uses leave and decides to buy it back, they may file a claim for compensation on a CA-7. No compensation payments may be paid, however, while the technician is still in a pay status.

C. Permanent Total Disability: When the injury causes permanent total disability, an injured technician is entitled to compensation until their death unless they are medically or vocationally rehabilitated. Some examples of permanent total disability are: loss or loss of use of both arms, or both feet, or both legs; or loss of both eyes or sight. Compensation of total disability equals $66 \frac{2}{3}$ percent of the technician's pay or 75 percent when there are dependents. Injured technicians may receive additional compensation when the services of a constant attendant are needed.

D. Partial Disability:

(1) Loss of Wage-Earning Capacity. An injured technician may receive compensation computed on loss of wage-earning capacity when unable to return to work because of a partial disability. The compensation will equal $66 \frac{2}{3}$ percent of pay loss, or 75 percent if there are dependents. Compensation will be paid as long as there is a loss of wage-earning capacity.

(2) OWCP provides for limited term payments in cases where an employee suffers serious disfigurement of the head, face, neck, or for anatomical loss of or loss of use of parts of the body. Benefits under these provisions are calculated in the same manner as those paid for total disabilities ($66 \frac{2}{3}$ percent of the employee's regular pay or 75 percent in cases where the employee has dependents), but are paid for a specified period of time which is proportional to the severity of loss. A schedule award can be paid even if the employee returns to work. Employees may receive wage loss compensation and schedule award benefits for the same injury, but not at the same time.

E. Death.

(1) An allowance not to exceed \$800 may be used to pay for funeral and burial expenses. Additional transportation allowance is also available.

(2) Dependents:

(a) When there are no children entitled to compensation, the widow or widower may receive compensation equal to 50 percent of the technician's pay until death or remarriage.

(b) When there is a child entitled to compensation, the compensation for the widow or widower will equal 45 percent of the technician's pay plus 15 percent for each child, but no more than 75 percent of the technician's pay. A child is entitled to compensation until they die, marry, or reach 18 years of age. If an unmarried child is a student at the time he/she reaches 18 years of age, compensation may be continued for as long as they remain a student or marry. It may not, however, be continued beyond the end of the semester or enrollment period after reaching 23 years of age or has completed four years of school beyond the high school level.

4. Reporting and Processing of Injury Claims:

A. Form CA-1 (Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation).

(1) Immediately upon sustaining an injury during the performance of official duties, or as soon thereafter as possible, the technician must give written notice of such injury to their supervisor by completing the front page of the CA-1. Include statements from any witnesses. The notice may be given by someone else if the injured technician is unable to do so. The CA-1 may be obtained from the supervisor.

(2) The supervisor will complete the reverse side of the CA-1 insuring that all items are complete and accurate. Where items are not applicable, enter the symbol "NA".

(3) Immediately upon completion of the CA-1, the supervisor will forward it directly to the SPMO.

(4) Supervisors will complete the Receipt of Notice of Injury and give to the injured technician.

B. The CA-2 (Federal Employee's Notice of Occupational Disease and Claim for Compensation).

(1) The same procedure will be followed in the preparation and submission of the CA-2 as outlined above for the CA-1 in the event of claim due to occupational illness or disease.

(2) The supervisor and the employee will need to complete the required information listed on the appropriate checklist and forward along with the CA-2 to SPMO. There are several checklists depending on the illness or disease. For copies of these checklists contact the compensation specialist at SPMO.

C. Form CA-16 (Request for Examination and/or Treatment).

(1) The CA-16 can only be used for Traumatic Injuries. The CA-16 can only be issued up to 48 hours after the injury.

(2) (a) Immediately upon receipt of notification of injury, the supervisor will authorize examination and/or appropriate medical treatment for the injured technician by completing all appropriate items in Part A of the CA-16. The CA-16 should accompany the injured technician to the physician for completion of

Part B.

(b) The supervisor will give the injured technician an opportunity to select the physician of their choice, subject to the limitation explained in paragraph (3) below (hospital emergency rooms may be used).

(c) Should the technician desire to change physicians after initial choice and treatment, the SPMO must be contacted in order that approval may be obtained from OWCP.

(d) The CA-16 will be presented to the physician for completion of Part B. (Every effort will be made to insure that Part B is completed to the maximum extent applicable.)

(e) The completed original CA-16 will be submitted to the SPMO at the earliest possible time.

(3) When emergency treatment is necessary, the technician may contact the nearest qualified physician or hospital for initial treatment. If oral authorization for treatment is given by the supervisor, the CA-16 will be issued within 48 hours thereafter. The technician may continue with the physician who provides initial treatment or be referred to another qualified local physician of their choice.

D. Medical Report. In all cases reported, SPMO must be furnished with an immediate medical report from the attending physician. This report may be on Part B of the CA-16, the CA-20 (Attending Physician's Report), by narrative report on the physician's letterhead stationery or copies of clinic or hospital notes.

E. Medical Expenses. Doctors/hospitals should bill the individual concerned who in turn will forward them to the SPMO. Fully itemized billing for treatment MUST be submitted on a HCFA 1500. The HCFA 1500 must be completed for all payments to be made to physicians or clinics and must have either a signature from the provider or if a rubber stamp is used then inked initials must also be in the signature block. Hospital bills may be itemized and submitted on the hospital billing form.

F. Travel Expenses. Claims for travel expenses incurred to obtain medical care as a result of on the job injury may be made by preparation and submission of a Travel Voucher (DD 1351-2). Send to SPMO for submission to OWCP for processing.

G. Form CA-3 (Report and Termination of Total or Partial Disability).

(1) Immediately upon the injured technician returning to work, or when the disability ceases, the supervisor will prepare the CA-3 by completing all applicable items and submitting the form to the SPMO.

H. Form CA-2a (Recurrence of Disability).

(1) The CA-2a will be submitted without delay when the supervisor is notified that a technician has suffered a recurrence of a job-related injury. Instructions on the reverse side of the form will be followed and all applicable items completed.

I. Form CA-6 (Official Supervisor's Report of Employee's Death).

(1) When a technician dies because of personal injury incurred while in the performance of duty, the supervisor will immediately report the fact to the SPMO by telephone.

(2) The supervisor will promptly complete the CA-6 and forward it to the SPMO.

J. Forms CA-5 and CA-5b (Claim for Compensation for Death).

(1) OWCP will immediately send the supervisor an appropriate form and instructions upon receipt of notification of death.

(2) Supervisors will assure these forms are given to the dependents and will assist the dependent in preparation of the claim.

K. The CA-7 (Claim for Compensation on Account of Traumatic Injury or Occupational Disease).

(1) The CA-7 provides continuity of payment when the disability continues beyond the 45 day period of COP for a traumatic injury.

(2) The technician and the supervisor will complete all applicable items on the CA-7 and submit it to the SPMO by the 40th day of COP along with any new medical evidence.

(3) For occupational disease claims, the CA-7 should be completed by the employee and supervisor as soon as disability is apparent or anticipated. Completed form with medical evidence should be submitted to SPMO as soon as possible.

L. Form CA-20 (Attending Physicians Report).

(1) The supervisor will complete items 1 through 4 on the front side of the form.

(2) The CA-20 should be carried by the technician, or sent by the supervisor, to the attending physician, who should promptly complete the form and give to the employee or return it to the supervisor.

M. Form CA-8 (Claim for Continuing Compensation on Account of Disability).

(1) The CA-8 is provided to claim compensation for an additional period of time after the CA-7 is submitted to OWCP.

(2) While temporary total disability continues, this form is to be submitted every two weeks until the technician is otherwise instructed by OWCP.

(3) The injured technician, or someone acting on the technician's behalf, is required to complete and sign the CA-8 on the front side.

(4) The supervisor will complete appropriate sections of the CA-8.

5. Definitions:

a. **Traumatic Injury.** A wound or other condition of the body caused by external force, including stress or strain. The injury must be identified by time and place of occurrence, and member or function of the body affected. Injury must be caused by a specific event, incident or series of events or incidents within a single day or work shift. It also includes damage or destruction to prosthetic devices or appliances, excluding eyeglasses and hearing aids, unless the eyeglasses and hearing aids were damaged incidental to a personal injury requiring medical services.

b. **Occupational Disease or Illness.** A work related disease or illness produced by systemic infections, continued or repeated stress or strain, exposure to toxins, poisons, fumes, etc., or other continued and repeated exposure over a long period of time.

c. **Physician.** This term includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors within the scope of their practice as defined by state law. Chiropractors are limited only to the extent that reimbursable services consist of manual manipulation of the spine to correct a subluxation (an incomplete or partial dislocation), as demonstrated by x-rays to exist, and subject to regulation by the Secretary of Labor. Naturopaths, faith healers, and other practitioners of the healing arts are not recognized as physicians within the meaning of the law.

d. **Continuation of Pay.** The authorization to continue pay for a period not to exceed 45 calendar days, without charge to annual or sick leave, for a federal employee who has sustained a work-connected traumatic injury which is found to be temporarily totally disabling.

e. Causal Relationship. Under Workers' Compensation Laws, any disease or disability is compensable when it is proximately caused or materially aggravated by an employment related injury or conditions of employment. Proximate cause is that which, in a natural and continuous sequence, produces the disability; however, natural progression of a disease while a person is working does not constitute cause or aggravation. For conditions of employment to bring about aggravation of an underlying disease, employment factors must be capable of aggravating or accelerating the disease.

f. Permanent. There is a continuing and irreversible change in the underlying condition, adversely altering the course of the conditions or disease process.

g. Compensation. Disability compensation, temporary or permanent, is paid at the rate of 66 2/3 percent for a single technician, or at the rate of 75 percent for a technician with dependents. The rate of pay is based on the rate of pay which was in effect at the time of injury and is not affected by any salary increases which may transpire during the period of disability. Health and life insurance premiums are deductible from compensation benefits.

6. Penalties.

a. Any person who makes a false statement to obtain federal employees' compensation payments to which they are not entitled is subject to a fine of no more than \$2000 or imprisonment for no more than one year, or both.

b. Any person charged with the responsibility for making reports in connection with an injury who willfully fails, neglects, or refuses to do so; knowingly files a false report; induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury, is subject to a fine of no more than \$500 or imprisonment for no more than one year, or both.

c. OWCP has the right to be reimbursed damages recovered in any case of injury or death caused under circumstances creating a legal liability upon someone other than the United States. No person claiming compensation should attempt to settle a third-party claim arising out of an injury or death without first obtaining advise and approval from the Solicitor of Labor. In all cases of this kind, the official supervisors should advise the claimants of these requirements.

° The proponent agency of this regulation is the Support Personnel Management Office. Users are invited to send comments and suggestions to The Adjutant General, State of Minnesota, ATTN: MNAG-SPM, Veterans Service °° Bldg, St. Paul, MN 55155-2098

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