



EVOLVE EXPANDE EXCEL
Emerge to Greater Heights

2022 DCPAS VIRTUAL BENEFITS SYMPOSIUM



Federal Employees' Compensation Act Claims for Covid-19

Monique Madrid and Chasity Dyer | September 27, 2022

1. Understand the history of Covid-19 claims development under the Federal Employees' Compensation Act (FECA).
2. Determine the eligibility rules for a "covered employee".
3. Provide guidance on Continuation of Pay (COP) for Covid-19 cases and quarantine periods.
4. Discuss medical needed for Covid-19 diagnosis and guidance on home tests.
5. Discuss the filing process for Covid-19 claims and death claims.
6. Provide understanding to reactions to vaccine claims.
7. Learn when to controvert and challenge Covid-19 claims.
8. Discuss Frequently Asked Questions (FAQs) for Covid-19 cases.

Objectives

- Covid-19 claims were originally processed and adjudicated under the same procedures as any other claim.
- Office of Workers' Compensation Programs (OWCP) created procedures that allowed expedited and broad acceptance for employees in high-risk positions with a confirmed Covid-19 diagnosis.
 - High-risk positions were identified by each employing agency and were defined as positions that required employees to have frequent in-person interactions with the public.

History

- American Rescue Plan Act (ARPA) signed into law on March 11, 2021.
 - ARPA allows for Covid-19 claims to be covered on a less restrictive basis and provides separate funding to cover accepted claims.
 - Cases processed after March 11, 2021 will not be included on agency chargeback reports (will have “19” prefix to case number).
 - Covid-19 specific reports showing compensation benefits paid will be provided by OWCP at the department level.
- Applies to Covid-19 diagnoses between January 27, 2020-January 27, 2023.
- No benefits are payable after September 30, 2030 for Covid-19 cases processed under ARPA.
 - Does not apply to claims accepted prior to March 12, 2021.

History

- A “covered employee” under ARPA is deemed to have an injury proximately caused by exposure to Covid-19 arising out of the nature of the covered employee’s employment.
- ARPA provides guidance that defines a “covered employee”:
 - Federal employee during ARPA coverage period (January 27, 2020-January 27, 2023).
 - Diagnosed with Covid-19 during same period.
 - Experienced a covered exposure prior to diagnoses.
 - Carrying out duties that require physical interaction with at least one other person.
 - Interaction does not need to be direct physical contact and there is no time or duration factors to consider for interactions.
 - Covered exposure period is having a positive test result within 21 days of interaction with at least one other person.
 - Carrying out duties that otherwise include a risk of exposure.

Eligibility

- **Recurrence**
 - A claim for Covid-19 would not be considered a new injury unless the date of injury was more than one year from the date of injury of any prior accepted COVID-19 claim.
- **Consequential Conditions**
 - Physical conditions if in association with Covid-19 (ex. tripping over oxygen tank cord or injuries due to Covid-19 hospitalization). Will be considered case by case.
 - Pre-existing conditions if aggravated by Covid-19.
- **Telework**
 - Employees that exclusively teleworking during a covered period are not considered a “covered employee” under ARPA.

Eligibility

- Reinfection
 - When a person was infected with Covid-19, recovers and then becomes infected with Covid-19 again (**FECA Bulletin 22-06**).
 - Employee tests positive for Covid-19 ninety days or more from previous positive test, a new claim should be filed.
 - Employee tests positive within ninety days of the previous positive test, the claim will be combined with the existing claim and will be developed as needed (as consequential or recurrence claim).
- Long Covid-19, Post-Covid-19 Syndrome and Post-Covid-19 Sequela
 - OWCP is not accepting these diagnoses at this time but they will accept the medical conditions associated with them (ex. clotting disorder, cognitive impairment, etc.).

Eligibility

- Must file CA-1 within 30 days of date of injury and provide evidence supporting disability resulting from Covid-19 (**20.CFR10.210**). Demonstrate diagnosis via positive test result or medical professional.
- Must elect use of COP and provide medical **within 10 calendar days** after filing.
- Employing agency may terminate COP based on usual reasons for exceptions (**20.CFR10.220**).

Continuation of Pay

- If claim is withdrawn then any COP granted to an employee will be charged to sick and annual leave or considered an overpayment.
- Regardless of whether a Covid-19 claim administratively closes on receipt, the employing agency must continue the regular pay of employee who is eligible for COP, assuming the statutory and regulatory requirements are otherwise met.

Continuation of Pay

- COP is not payable solely for quarantine or exposure alone.
- Follow up with your Command on policy for best leave options for employee when in quarantine due to exposure but with no diagnosis.
- OWCP will not intervene during the first 10 days of COP since isolation following a positive test result is akin to disability.

Please Note: OWCP acknowledges that the current recommendation for isolation is 5 days but still honors the 10 days.

Quarantine

- Positive Polymerase Chain Reaction (PCR) or Antigen Covid-19 Test result,
- Positive Antibody test result **with** medical evidence documenting symptoms and treatment of Covid-19 by Attending Physician (excluding quarantine),

or

- Covid-19 diagnosis from Attending Physician with rationalized medical opinion supporting diagnosis and reason for absent positive test result.

**Medical Needed to Establish
Diagnosis**

Friendly Reminder: The employing agency should upload or submit CA-6 as soon as possible upon notification of employee's death.

Death cases will need in addition to above:

- Records of treatment/hospitalization,
- Death certificate with cause of death,
and
- Death discharge summary.

* Further questions on this should be addressed specifically with Claims Examiner.

**Medical Needed to Establish
Diagnosis**

- Home test kits for Covid-19 testing is insufficient to establish diagnosis.
- Reason home test kit results are not accepted are due to OWCP's inability to truly identify:
 - Date/Time test was taken
 - Sample collected belongs to employee

Home Tests

- **Employees' Compensation and Management Portal (ECOMP)**
 - All new claims should be filed electronically in ECOMP by the employee or a person acting on their behalf.
 - Covid-19 claims should be filed on CA-1.
 - Covid-19 is contracted during a single workday or shift.
 - Date of injury should be noted as date of last exposure while at work prior to medical evidence that establishes Covid-19 diagnosis.
 - ECOMP has specific selection to “File CA-1 for COVID-19”.
 - Simplifies process for employees.

Filing Process

To file a form for injury or illness:

- 1 Claim benefits using either form **CA-1 (for Traumatic Injury)** or form **CA-2 (for Occupational Disease)**. Pending review of your claim, you may receive a FECA Case Number. If you are filling a claim for COVID-19, use FORM CA-1 COVID-19. (FORM CA-1 COVID-19 should not be used for a claim related to a COVID-19 vaccination.) (?)

FILE CA-1 OR CA-2

FILE CA-1 COVID-19

Image on left shows screenshot of ECOMP screen for new claim form selection.

Image on right shows screenshot of ECOMP screen on CA-1 for Covid-19 form at the “Date” section.

DATE

Enter the last date that you worked and were exposed to other people in the work setting, **prior to the onset of COVID-19 symptoms or a positive COVID-19 test result**. Other people may include patients, members of the public or co-workers.

10 Date Injury Occurred (Date worked prior to COVID-19)

(mm) (dd) (yyyy) 

Time Injury Occurred (Time worked prior to COVID-19)



Filing Process

On September 9, 2022, President Joe Biden issued executive order mandating Covid-19 vaccinations for most Federal employees.

Types of Vaccines:

- Moderna
- Comimaty/PfizerBioNTech
- Johnson & Johnson/ Janssen

**Vaccinations for Federal
Workers**

The OWCP affords coverage for disability and medical care for conditions that develop as the results of:

- Covid-19 vaccination (excluding boosters) provided/sponsored by employing agency on or after September 9, 2021.
 - Will also cover for vaccines prior to September 9, 2021 if administered or sponsored by employing agency.
- Injuries sustained as direct result of receiving their mandated vaccine (ex. slip and fall injuries occurring at medical facility vaccination was administered).

Reaction to Vaccines

- No vaccination card or proof of any kind needed to support diagnosis or causal relationship.
- File CA-1 because it is considered a single day event.
- Claims that are not expected to involve large medical expenses or extended disability will be administratively closed.

Please Note: This type of claim is included in your annual chargeback billing.

Reaction to Vaccines

Employing agency is advised **NOT** to challenge a Covid-19 claim unless:

- Employee was not working on date of injury.
- Employee was teleworking on date of injury.
- Home test is submitted as the only medical.

*Note this on **Section 35** of the CA-1.

Employing agency is advised **NOT** to controvert COP unless:

- Employee did not report the injury on CA-1 within 30 days from date of injury.

*Note this on **Section 36** of the CA-1.

Challenges/Controvers

FAQ #1

Do I file a CA-2 if I had 2 vaccinations weeks apart and had a reaction to each?

FAQ #2

What is the “Request Covid-19 Initial Review” button feature in ECOMP used for?

FAQ #3 - Scenario

Employee normally teleworks but had to come into the office for a meeting last week. Now the employee has Covid-19 and wants to file a claim but they could have been exposed to Covid-19 anywhere. Supervisor of employee asks if employee would be covered and should file a claim?

How do you advise the Supervisor?

FAQ #4 - Scenario

Employee's co-worker came to work and they later found out the co-worker had Covid-19. Employee stayed home to quarantine in case they developed Covid-19 symptoms. Can employee get their sick leave back that they used during their quarantine?

[20.CFR 10.210: What are the employee's responsibilities in COP cases?](#)

[20 CFR 10.220: When is an employer not required to pay COP?](#)

[FECA Bulletin No. 22-06: Updates to COVID-19 Claims Processing Guidelines Relating to Reinfections and Home Tests](#)

[FECA Bulletin No. 22-01: Coverage for Injuries Resulting from the COVID-19 Vaccination Mandate for Federal Employees](#)

[FECA Bulletin 21-10: Establishing FECA Claims for COVID-19 under the American Rescue Plan Act of 2021 through Antigen Testing](#)

References

[FECA Bulletin No. 21-09: Processing FECA Claims for COVID-19 under the American Rescue Plan Act of 2021](#)

[FECA Bulletin No. 21-01: Special Case Handling in COVID-19 FECA Claims Processing and Adjudication](#)

[FECA PM 2-0804.19](#)

[Claims under the Federal Employees' Compensation Act due to COVID-19](#)

[Antigen and Molecular Tests for COVID-19](#)

References

Questions?



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