

Revised Section 4.4
Job Corps Technical Assistance Guide (TAG) E

4.4 INJURIES RESULTING IN STUDENT SEPARATION FROM JOB CORPS

While at a Job Corps center, an enrollee is under the continuous supervision and control of Job Corps officials. The Job Corps provides subsistence, quarters, clothing, medical care, training, work, and recreation. For this reason, an enrollee has the protection of the Federal Employees' Compensation Act (FECA) for most incidents that occur while at the center or while participating in authorized activities. Job Corps enrollees must, however, meet the same tests of compensability that apply to all other federal employees.

Note: OWCP is not an insurance policy.

Cases forwarded to OWCP must meet all FECA Guidelines. As such, students must be medically separated with reinstatement rights prior to submitting a Claim for Compensation, CA-1, to OWCP.

Injuries in this category include serious injuries in which the student is unable to perform his/her prescribed duties and which result in the student's separation from Job Corps. The following Conditions of Coverage apply:

- (1) While away from the center, an enrollee has the protection of FECA if participating in an activity by or under the direction and supervision of a center official. This would include a group activity under the immediate direction of a supervisor as well as an authorized activity while the enrollee is on pass from the center.

The record in such a case should include (a) a statement from a center official showing whether at the time of the injury the student was engaged in an authorized activity, and (b) a copy of the pass. Where a written pass was not issued, the center official should be asked for a statement showing the inclusive dates and hours covered by the pass and the instructions or limitation relating to the activity permitted the student.

- (2) While on authorized pass or during travel between home and the center, an enrollee has the protection of FECA. In these cases, the record should include a statement from a center official showing whether the travel or activity while on pass was authorized by or under the direction and supervision of Job Corps.

- (3) While absent from an assigned post of duty or participating in an unauthorized activity, an enrollee does not have the coverage of the Act.
- (4) While at home, a student (whether on “pass” or on “leave”) does not have the protection of FECA. However, an enrollee who is visiting the residence of another student, with the permission of Job Corps, would be considered to be engaged in an authorized activity, and would therefore be covered during the entire absence from the center.
- (5) Some enrollees live off the premises of their center and commute between their home and the center for training. The usual rules governing coverage during travel to and from work apply in “off-premises” injury situations.
- (6) Injuries resulting from “horseplay” and “fighting” are frequent among the enrollees. It is the OWCP’s position that most of these injuries come within the scope of FECA. The confining nature of the employment and the long absences from home are factors that contribute to this problem. The result is that “horseplay” and “fighting” are an expected element of the employment and environment. Where so indicated, the district offices should fully develop the facts in any case where it appears the exclusions of 5 U.S.C. 8102 might require consideration.

The following steps should be taken for these types of injuries:

Step 1: In SHIMS, initiate a new case for Job Corps student. Complete the OSHA 301.

Step 2: Complete the OSHA 300.

Only work-related (i.e., training-related) injuries that require treatment beyond first aid (i.e., that meet the OSHA-recordable criteria) are to be recorded on the OSHA log.

Step 3: Complete the electronic CA-1 form.

Select the “student was medically separated” filing instruction and forward to OWCP after receiving approval from the National Office of Job Corps. Upon completion, the system will notify, “((Internal Control Number (ICN)) You have submitted CA1 form successfully.” File a copy in the student’s health record.

Note: In many instances, an injury may not necessitate immediate medical separation. In these cases, the CA-1 will be “filed in SHIMS.”

If and when a student is medically separated due to the injury, the record keeper must retrieve the CA-1 previously filed in SHIMS and forward it to OWCP.

Step 4: Issue CA-16 (or CA-20)

Issue form CA-16 to the health care provider or facility to which the student is being referred for treatment of traumatic injury. Send the OWCP-1500 form to the health care provider along with the CA-16. The health care provider or the center should mail the CA-16 with all medical reports, bills, and claim correspondence to:

U.S. Department of Labor
DFEC Central Mailroom
PO Box 8300
London, KY 40742-8300

Be sure to include the OWCP claim number and the student's name on any additional pages submitted to OWCP. OWCP does not recognize the SHIMS Internal Control Number (ICN).

The CA-20 Medical Report may be used in lieu of the CA-16. Complete only one of these forms—CA-16 or CA-20—and mail to OWCP, DFEC Central Mailroom.

Step 5: Assist the student with completing the CA-7 and mail the CA-7 (when indicated) and a copy of the ETA 6-61, Job Corps Notice of Separation, to the DFEC Central Mailroom (address provided in Step 4).

These forms should list the separated student's home mailing address. Completing these forms is a condition of FECA. Please be mindful that, until OWCP receives the CA-16 or CA-20 with all medical reports, the case can not be properly examined; in some incidences cases have been denied due to insufficient evidence.

Step 6: Provide Student With OWCP District Office Information

Often OWCP will communicate in writing to the student. Provide the student with the OWCP claim number and the address and phone number of the OWCP district office that is handling the student's claim only.

Step 7: Provide Student With Referrals

Arrange to refer the student to a health or welfare resource outside of Job Corps and without cost to Job Corps.

Step 8: Notify the Job Corps Regional Office of Separation and Referral Plans

In accordance with PRH Chapter 5, prepare a Significant Incident Report (SIR) that details the circumstances of the student's injury and medical separation. Indicate on this form that appropriate OWCP forms have been filed, include the SHIMS Internal Control Number (ICN), and note that referrals on the student's behalf have been completed.

Step 9: Provide Additional Assistance as Needed

The center should make certain that inquiries from a separated student or the student's responsible person receive a prompt response and that any additional forms or other necessary information are forwarded to OWCP.

Center staff should encourage direct communication between the former student and the appropriate OWCP district office and should assist in the process by:

- Establishing the initial contact between the student and OWCP.
- Providing needed records and forms.
- Providing OWCP district office addresses and telephone numbers in writing.
- Helping the student or his/her responsible person understand that OWCP has the sole responsibility for adjudicating the claim.

Step 10: Follow-up on OWCP Decision

When OWCP reaches a decision regarding the claim, a copy of the decision will be mailed by OWCP to the student (or to a designated representative) and to the Job Corps center. This document notifies the student and the center of "findings of fact" (approval or disapproval of the claim). It includes a statement of reasons for the decision and information about appeal rights and instructions for filing an appeal if desired when a claim has been disapproved.

If the student and the center have not received written notification of approval or disapproval of the claim within a reasonable length of time (30 working days):

- If the claim has been assigned an OWCP claim number, the Center Director should contact the OWCP district office for information regarding the status of the claim and should follow up until final adjudication has been made. The Center Director should assist with an appeal upon request by the student or survivor; or

- If the claim has not been assigned an OWCP claim number within 5 days, the Center Director should contact the National Office of Job Corps.

Anytime an adverse formal decision involving entitlement is reached by OWCP, such as denial of an initial claim or denial of continuing benefits, the claimant may request one of the following three forms of appeal, but only one form at a time. The request should be sent to the address specified in the decision.

- **Hearing**—A hearing is a review of an adverse decision by a hearing representative and may be either an oral review or a review of the written record. The claimant may specify the type of hearing desired. In addition to the evidence of record, the claimant may submit new evidence. The hearing request must be sent within 30 days of the date of the decision for which a hearing is sought.
- **Reconsideration**—An application for reconsideration must be sent within 1 year of the date of the review decision. It must:
 - Be submitted in writing.
 - Include all supporting documents.
 - Set forth arguments and contain evidence that either (1) shows that OWCP erroneously applied or interpreted a specific point of law, (2) advances a relevant legal argument not previously considered by OWCP, or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.
- **Review by the Employees' Compensation Appeals Board (ECAB)**—Only final decisions of OWCP may be appealed to ECAB. Some decisions that are not appealable to ECAB are those concerning the amounts payable for medical services, decisions concerning exclusion and reinstatement of medical providers, decision by the director to review an award on his/her own motion, and denials of subpoenas independent of the appeal of the underlying decision. In appeals before ECAB, attorneys from DOL's Office of the Solicitor will represent OWCP.

Detailed information about the appeals processes is contained in 20 CFR, Part 10, Subpart G.

Step 11: Notify OWCP When Student Returns to Job Corps

Medical expenses are discontinued when a separated student is readmitted to Job Corps. Therefore, it is important that the center promptly notify OWCP when a student receiving OWCP benefits returns to Job Corps. Notification should be

made by letter on the date of return. A copy of the letter should be placed in the student's health record.

Step 12: If at any time there is confusion about the filing procedures, please contact the National Office of Job Corps for assistance. Ask to speak with the Job Corps SHIMS administrator.

Once a case is submitted to OWCP and assigned an OWCP Claim Number, it is not the National Office of Job Corps' responsibility to monitor the claim; it is the responsibility of the Center Director, or designated center Workers' Compensation Coordinator.