Welcome to the Division of Longshore and Harbor Workers’ Compensation webinar. We will begin at 1:00 p.m. Eastern Time
Administration of Claims and Claims Processes
Designated New Compensation Districts

Eastern, Southern & Western
with three Suboffices in each District

EASTERN
District
Suboffices
Boston
New York
Norfolk

SOUTHERN
District
Suboffices
Jacksonville
New Orleans
Houston

WESTERN
District
Suboffices
Seattle
San Francisco
Long Beach

Industry Notice #175
Office of Workers’ Compensation System (OWCS)

- Equitable Assignment of Work
- Helps Staff Organize and Prioritize their Workload
- Rapid and Precise Notifications of Industry Timeliness
  - Employer Report of Injury
  - Initial Payments
  - Controversions
  - Final Payments
Implementation of New Policy Initiatives

Antonio Rios, Division of Longshore and Harbor Workers’ Compensation (DLHWC) Acting Director
Recent Industry Notices

- No. 180: New forms effective May 4, 2020
- No. 179: Electronic signatures April 20, 2020
- No. 178: Enhancement for case creation March 23, 2020
- No. 177: Annual increase in monetary civil penalties Jan 2020
Focus on Intervention Tracking for the Longshore Program

Interventions: Informal Conferences and More

• OWCP’s role is to assist wherever we can, and that involves more action than informal conferences. No change to informal conferencing.
• Shift from simply tracking average number of days to resolve disputes to ensuring we are providing resolutions to all of your intervention requests.
• LS-7 form, Request for Intervention, was created to quickly identify and triage your intervention requests on both conference and non-conference requests

• Conference Memorandum
• Recommendation without Conference
OWCP intervenes often during its oversight of cases. Examples:

- Notification when additional compensation is due for compensation not paid timely;
- Information on selection of an attending physician;
- Facilitation of medical care and examination;
- Facilitation of communication and action in a claim;
- Technical assistance given in determinations of disability and compensations rates; and
- Protection of parties’ rights.
Interventions

**Intervention Issues:** Fact of Injury, Responsible Employer/Carrier, Jurisdiction (coverage), Temporary Disability, Permanent Disability, Medical Treatment, Average weekly wage, Additional Compensation

**Intervention Actions:** DOL Written Recommendation

**Intervention Resolutions:** Issues are either resolved or closed within 90 days following the written recommendation whether the resolution was achieved with or without a conference
Cultivating Stakeholder Behavior

- Better IT Resources
- Enhanced SEAPortal Capabilities
- Case Create Document Submission Electronically
- Case Create Automation
- Highly Encourage Service Waivers
- New Forms
Division of Longshore & Harbor Workers’ Compensation

OWCS

David Abeijon, DLHWC Eastern Compensation District Director, New York Suboffice
What is OWCS?

• OWCS is the **new and modernized claims management platform** that consolidates the existing workers’ compensation systems of OWCP’s four program offices into one cloud-based solution

• OWCS continues OWCP’s efforts to achieve operational efficiencies through IT modernization to meet organizational goals and better serve the customer
What is OWCS?

- Fully Integrated System
- Reduced Coding/Data Entry by Staff
- Preparation and Transmission of Documents (PATDOC)
- Reduced Indexing
  - Review Complete: Medical Records, etc.
  - Driving Documents: Triggers Creation of Task
  - Action Mail: Requires CE Review for Next Action
- Personal Action List (PAL)/Dashboard
Currently the Longshore Program is using several systems, about 30- years old, that do not effectively communicate with each other, including the OWCP Imaging System, Longshore Case Management System, Special Fund Claims System, Rehab Bill Pay System, and many more.

- Less efficiency
- Less time to focus on human aspects of the job
- Increased risk of error
- Redundancies
- More manual process
What impact will OWCS have?

Automation

• Letters will be generated automatically upon case creation.
• Auto-tracking and system notices when LS-202 is received late.
• Notice of 207 are auto-generated upon receipt of Form LS-209.
What impact will OWCS have?

New Forms

• Form LS-4 (Attorney Fee Approval Request)
• Form LS-5 (Application for Special Fund Relief)
• Form LS-6 (Commutation Application)
• Form LS-7 (Request for Intervention)
• Form LS-8 (Settlement Approval Request)
• Form LS-9 (Stipulation Approval Request)
What impact will OWCS have?

New Operational Plan Goals

• 1st Report of Injury
• 1st Payment of Injury
• 14(g) Penalties
• 30(e) Penalties
• 14(e) Additional Compensation
• Review of LS-208
• Interventions
• Settlements
• Stipulations
• Second Injury Fund Applications
• Attorneys Fees
• OALJ Referrals
New automated phone system will route callers to the responsible Claims Examiner.

Stakeholders will be able to obtain case numbers with Social Security Number (SSN) and Date of Birth (DOB).

Phone calls will be tracked and monitored – program goal is phone calls must be returned within 2 business days.
Stakeholder Behavior

- SEAPortal (New Cases and Existing Cases)
- Waivers: LS-801 and LS-802
- Driving Documents
- New Phone Number (202) 513-6809
- Case Create Fax (202)513-6814
Operational and Policy at the National Level Updates

Kristina Hall
Branch Chief of Policies, Regulations and Procedures
# Claims Trends

**New Claims Reported  FY 2015 – FY 2019**

**All Acts**

<table>
<thead>
<tr>
<th>Year</th>
<th>Longshore</th>
<th>DBA</th>
<th>NAFIA</th>
<th>OCSLA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>13,760</td>
<td>5,864</td>
<td>4,146</td>
<td>4,146</td>
<td>23,963</td>
</tr>
<tr>
<td>2016</td>
<td>13,547</td>
<td>6,089</td>
<td>4,541</td>
<td>4,541</td>
<td>24,276</td>
</tr>
<tr>
<td>2017</td>
<td>14,162</td>
<td>6,622</td>
<td>6,299</td>
<td>6,299</td>
<td>27,122</td>
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<tr>
<td>2018</td>
<td>14,542</td>
<td>6,676</td>
<td>6,868</td>
<td>6,868</td>
<td>28,178</td>
</tr>
<tr>
<td>2019</td>
<td>15,430</td>
<td>8,447</td>
<td>6,668</td>
<td>6,668</td>
<td>30,682</td>
</tr>
</tbody>
</table>

Legend:
- Longshore
- DBA
- NAFIA
- OCSLA
Claims Trends
New Claims Reported FY 2015 – FY 2019
Longshore & DBA
Claims Trends
New Claims Reported FY 2015 – FY 2019
Traumatic

<table>
<thead>
<tr>
<th>Year</th>
<th>Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>21,477</td>
</tr>
<tr>
<td>2016</td>
<td>21,583</td>
</tr>
<tr>
<td>2017</td>
<td>23,962</td>
</tr>
<tr>
<td>2018</td>
<td>24,833</td>
</tr>
<tr>
<td>2019</td>
<td>25,203</td>
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</table>
Claims Trends
New Claims Reported FY 2015 – FY 2019
Hearing Loss

<table>
<thead>
<tr>
<th>Year</th>
<th>Claims Reported</th>
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<tbody>
<tr>
<td>2015</td>
<td>1,734</td>
</tr>
<tr>
<td>2016</td>
<td>1,628</td>
</tr>
<tr>
<td>2017</td>
<td>1,309</td>
</tr>
<tr>
<td>2018</td>
<td>2,018</td>
</tr>
<tr>
<td>2019</td>
<td>1,994</td>
</tr>
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</table>
Claims Trends

New Claims Reported  FY 2015 – FY 2019

Occupational - other

- 500
- 1,000
- 1,500
- 2,000
- 2,500
- 3,000
- 3,500

2015 2016 2017 2018 2019

562 906 1,719 1,787 3,243
Carrier/Self-Insured Payments by Company Year

<table>
<thead>
<tr>
<th>Year</th>
<th>LHWCA</th>
<th>DBA</th>
<th>NAFIA</th>
<th>OCSLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>CY2014</td>
<td>$629,987,955</td>
<td>$707,467,734</td>
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<td></td>
</tr>
<tr>
<td>CY2015</td>
<td>$597,060,630</td>
<td>$667,643,724</td>
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<td></td>
</tr>
<tr>
<td>CY2016</td>
<td>$582,575,302</td>
<td>$673,083,163</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CY2017</td>
<td>$559,884,079</td>
<td>$669,666,612</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CY2018</td>
<td>$546,279,375</td>
<td>$561,021,330</td>
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</tr>
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</table>
Industry Performance DBA

1st Report of Injury within 30 days
1st Report of Payment within 30 Days

Red = target
Industry Performance Non-DBA

1st Report of Injury within 30 days
1st Report of Payment within 30 Days

<table>
<thead>
<tr>
<th></th>
<th>1st Report of Injury</th>
<th>1st Report of Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>88%</td>
<td>85%</td>
</tr>
<tr>
<td></td>
<td>89%</td>
<td>86%</td>
</tr>
<tr>
<td></td>
<td>94%</td>
<td>86%</td>
</tr>
<tr>
<td></td>
<td>94%</td>
<td>87%</td>
</tr>
<tr>
<td></td>
<td>94%</td>
<td>89%</td>
</tr>
</tbody>
</table>

Red = target
DLHWC Performance

Program Summary

• Quality and Timeliness of Conference Process
  Goal is 89%. Measured 90%.

• Data Integrity
  Goal is +/-5% Deviation. Scored +1%.

• Review of Special Fund claimants’ eligibility
  Goal is 95%. Exceeded.
Disputes/Resolutions - DLHWC

FY 2019

- Medical Treatment: 863
- Temporary Disability: 381
- Permanent Disability: 359
- Injury AOE/COE: 177
- Average Weekly Wage: 148
- Last Responsible Employer: 51
- Jurisdiction (Coverage): 11

Number of Disputes vs. Average Days
Settlements and Conferences
FY 2019
Efficiencies through IT Modernization

In FY 2019, 70% of Incoming Correspondence Was Received Electronically.
We heard from you

- More efficient way to file forms to create a case
  - Added SEAPortal to fax and mail

- Use one email account to serve orders and not staff’s individual emails

- One single phone number to reach any office
  - (202) 513-6809

- Redefine “wet” signatures in new digital age
  - Electronic Signatures

- New forms to reduce findings of deficiencies
Training

✓ Focused on Differences in Circuit Court Decisions between Suboffices
✓ Preparing for OWCS go-live and new workflows
✓ Enhanced resource modules
✓ Intervention vs. solely dispute resolution
✓ Calculating benefits due for awards with payment through Special Fund
✓ Interest calculations
Greater Efficiencies

- DLHWC Re-engineering Business Processes
- Delegation of Signature and Approval Authorities
- Standardize duties of CEs nationwide
- Targeting training opportunities for CE and DD
- Deploy new case management system in May 2020
- New forms to achieve efficiencies in document submission and customer service
- Expand partnerships to increased capabilities of electronic transfer of documents and data
- Institute the concept of the “Intervention” to support technical assistance, dispute resolution, outreach, and outcomes
This form was created to more efficiently process requests for Attorney Fees.
This form was created to more efficiently process requests for Relief under Section 8(f)
# New Form LS-6

**Commutation Application**

You must use this form to request approval of commutation of compensation under 33 U.S.C. 906(g) or 42 U.S.C. 1652. You must attach documentation supporting your request if you have not already submitted it.

Submit this form to the OWCP/DLHWC Central Mail Receipt site at the following address:
U.S. Department of Labor, Office of Workers’ Compensation Programs
Division of Longshore and Harbor Workers’ Compensation
400 West Bay Street, Suite 93A, Box 28
Jacksonville, FL 32202

Or upload directly to the case file using the Secure Electronic Access Portal (SEAPortal).
Access the SEAPortal directly at https://seaportal.dol.gov.

<table>
<thead>
<tr>
<th>1. Date of Accident/Illness:</th>
<th>2. Carrier’s No.</th>
<th>3. OWCP No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Name of Injured Worker and Claimant if other than injured worker

5. This Commutation is for (select one) [ ] Permanent Partial Disability [ ] Permanent Total Disability [ ] Death Benefits

6. Country of Residence

7. Average Weekly Wage

8. Compensation Rate

9. Describe the nature of the incident (i.e., gunshot, IED) with documentation

10. Identify official confirmation of the nature of the incident

11. Has a compensation Order issued? [ ] Yes [ ] No

12. Have stipulations been submitted confirming details of the incident? [ ] Yes [ ] No

13. If you are an employer or insurance carrier, have you attached an Interim LS-203 form documenting all payments made? [ ] Yes [ ] No

14. On a death case, the following documentation must be attached or previously submitted: death certificate, marriage certificate, birth certificates for all dependent children, evidence of other dependents

15. Name and date of birth, initial compensation rate of each beneficiary

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Birth</th>
<th>Initial Compensation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

I certify that all of the information above and in the attachments is accurate. I also certify that I have served the form and attachments on all other parties and their representatives.

<table>
<thead>
<tr>
<th>16. Print Name</th>
<th>17. Signature</th>
<th>18. Date (Month, Day, Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This form was created to more efficiently process requests for the Program’s intervention in claims.
This form was created to more efficiently process requests for DLHWC to approve settlement agreements under Section 8(i).
This form was created to more efficiently process requests for approval of Joint Stipulations between the parties.
Communications

Central Mail Receipt

U. S. Department of Labor
Office of Workers’ Compensation Programs
Division of Longshore and Harbor Workers’ Compensation
400 West Bay Street, Suite 63A, Box 28
Jacksonville, FL 32202

Case Create Documents only: FAX (202) 513-6814

SEAPortal: https://seaportal.dol-esa.gov/portal

Telephone Number for all offices: (202) 513-6809
QUESTIONS?
PART 2
Outreach with Stakeholders
Begins at 2:45
Introduction

• This is an informal session.

• If we later propose a rule on these topics, you will have an opportunity then to submit formal written comments after the proposal is published.

• Only comments made after the rule is proposed will become part of the rulemaking record.
What works?
What does not work?
What would you change?

- Exchange of Documents and Information
- Settlement Applications
- Definition of Recreational Vessel
- Penalty Assessments and Procedures
Requests for approval of settlement agreements

What works in the current process for requests for approval for settlement under Section 8(i)?

What does not work?

If given the opportunity, what would you change?
Exchange of documents and information with OWCP

What current options work to easily submit and receive documents and information to/from OWCP?

What does not work?

If given the opportunity, what would you change?
Definition of Recreational Vessel

What currently works with the definition of a recreational vessel?

What does not work and why?

If given the opportunity, what would you change?

Are there any current national, state, or international documentation/licensing requirements, or a combination of them, you believe the industry could use to easily identify recreational vessels?

If OWCP linked the definition of recreational vessel to a vessel's structure, what recreational-vessel-building standards do you believe could be used to define a recreational vessel?
Penalty provisions

The Longshore Act allows OWCP to impose monetary penalties on employers and carriers who fail to timely file first reports of injury and notices of final compensation payment (LS-202 and LS-208), and on employers who discriminate against employees for claiming Longshore Act compensation.

What factors should OWCP consider in determining penalty amounts?

What procedural protections should OWCP adopt for employers or carriers who wish to challenge a penalty assessment?
Thank you!

Your feedback is appreciated.