Status Report on DBA Claim Administration

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Office of Workers’ Compensation Programs

Division of Longshore & Harbor Workers’ Compensation
Overview

- OWCP Claim Administration Functions
- Claim Statistics
- DBA Case Transfer Update
- Foreign Claims
- PTSD Claims
- Claimant Privacy
- Website and Contact Information
OWCP’s Primary Functions

- Ensure proper administration of the LHWCA and its extensions, including the DBA.
- Authorize insurance carriers and self-insured employers.
- Ensure proper & timely delivery of benefits to claimants.
- Provide dispute resolution services.
- Provide technical assistance.
All New Cases Reported by Calendar Year

- Total Cases Reported
- Non-DBA Cases Reported
- DBA Cases Reported

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Cases Reported</th>
<th>Non-DBA Cases Reported</th>
<th>DBA Cases Reported</th>
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</thead>
<tbody>
<tr>
<td>2002</td>
<td>22,000</td>
<td>20,000</td>
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</tr>
<tr>
<td>2003</td>
<td>21,500</td>
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<tr>
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<td>23,000</td>
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<td>24,000</td>
<td>22,000</td>
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<td>2006</td>
<td>25,000</td>
<td>23,000</td>
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<tr>
<td>2007</td>
<td>35,000</td>
<td>33,000</td>
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<tr>
<td>2008 to 9/30</td>
<td>23,000</td>
<td>21,000</td>
<td>2,000</td>
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Number of Death and Lost Time DBA Cases Reported by Calendar Year

- **Death**
- **Lost Time**

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<thead>
<tr>
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<th>Death</th>
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<td>2007</td>
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<tr>
<td>2008</td>
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</tr>
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</table>

To 9/30
New DBA Cases Reported From Afghanistan & Iraq by Calendar Year

Iqraq  Afghan  All Other

<table>
<thead>
<tr>
<th>Year</th>
<th>Iraq</th>
<th>Afghan</th>
<th>All Other</th>
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<tr>
<td>2008</td>
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<tr>
<td>9/30</td>
<td>0</td>
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</tbody>
</table>
DBA Payments by Calendar Year

Millions

$0 $20 $40 $60 $80 $100 $120 $140 $160 $180

Compensation Medical

DBA Case Transfer Update

- Goal is to equalize the DBA workload by redistributing cases to other District Offices based on claimant residence.

- About 3000 existing cases were transferred beginning October 2007, plus new cases beginning mid November 2007.

- A total of 5450 cases were transferred out of New York in the last fiscal year -- 2200 cases to Houston, 1560 to Jacksonville, the rest to other District Offices around the country.

- At the end of Fiscal Year 2008, New York has 4620 open cases, Houston 1500, and Jacksonville just under 1000.
The New York District Office

- Will continue to receive new DBA reports of injury and death from all areas within its jurisdiction and create new cases.
- Will transfer all new time loss and death claims of US residents to other District Offices once cases are created.
- Will transfer cases on request.
- Will become the center of foreign claims.
Issues in Foreign Claims

- Educating foreign employers of the need to secure DBA insurance.
- Educating and assisting foreign employers and employees to file claims and reports.
- Identifying the correct carrier for foreign employers.
- Security issues as barrier to communication.
- Language barriers and time zone differences.
- Difficulty identifying foreign claimants and survivors.
- Difficulty in securing medical records and evaluating disability.
- Commutations.
PTSD Claims

- No mechanism to accurately track claims.
- Post-employment claims are difficult to investigate.
- Initial medical reports often lack proper diagnosis.
- Access to qualified medical care is limited except in major metropolitan centers.
- A claim is presumed compensable under the Act unless rebutted by substantial evidence.
- Delayed claim decisions add to the stress and anxiety of the claimants.
OWCP Action Plan

- Began tracking PTSD claims in the Longshore claim database in 2006. Current count is 453 cases.
- Fast track PTSD claims through the dispute resolution process.
- Assist the parties to gather factual and medical evidence needed for claim resolution.
- Schedule Informal Conferences promptly on request.
- After conference, if the OWCP claims examiner’s recommendations are rejected, refer the case promptly for hearing on request.
Privacy Issues

- The OWCP takes the issue of claimant privacy seriously.
- OWCP staff are prohibited from discussing claim related matters with any party via external email because such emails are not secure.
- We ask all parties to be aware of claimant privacy and to take steps to safeguard it.
- Submit claim documents by fax, mail, or delivery service in lieu of email.
DLHWC Website

http://www.dol.gov/owcp/dlhwc/index.htm

- Statutes and Regulations
- Contact Information for all Longshore Offices
- Longshore Forms
- Defense Base Act Page
- Max and Min, NAWW, Mileage, and Interest Rates
- Longshore Procedure Manual
- Links to OALJ and BRB websites
Contact Us

■ DLHWC National Office
   -- Miranda Chiu, 202-693-0865
      chiu.miranda@dol.gov.
   -- John Chamberlain, 202-693-0925
      chamberlain.john@dol.gov.

■ DLHWC New York District Office
   -- Richard Robilotti, 646-264-3011
      robilotti.richard@dol.gov

■ Other District Offices
   ■ http://www.dol.gov/owcp/dlhwc/lscontac.htm