



U.S. Department of Labor
Office of Workers' Compensation Programs
DFELHWC – Longshore Program

Office of Workers' Compensation Programs

Division of Federal Employees', Longshore and Harbor Workers' Compensation

Annual Longshore Conference: March 17, 2021



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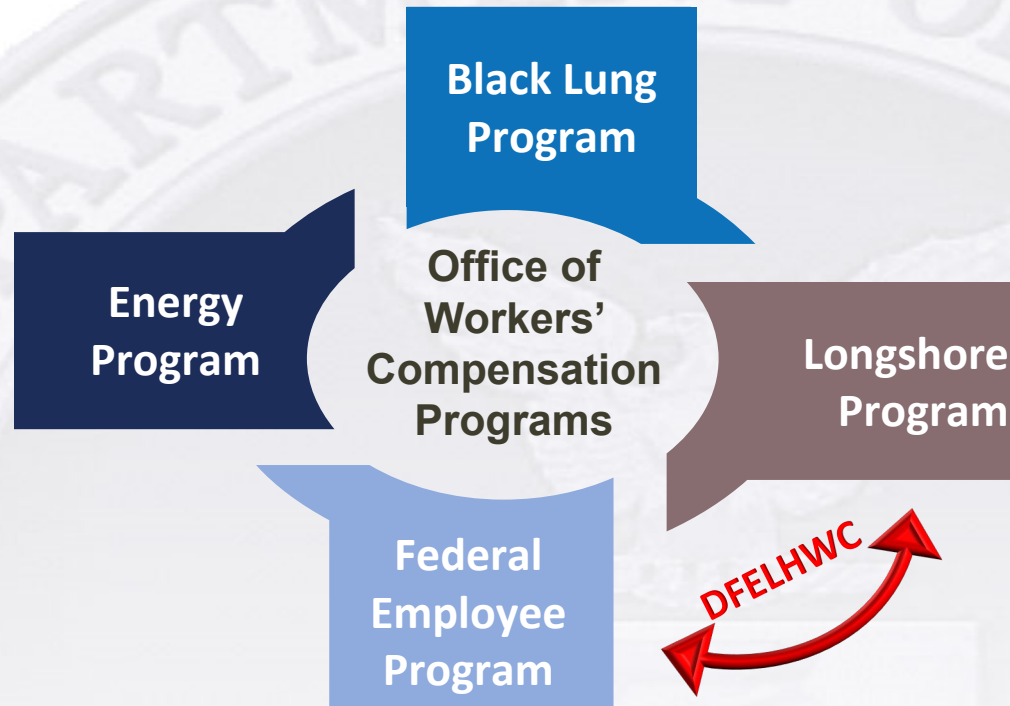
Christopher Godfrey

Director

**Office of Workers' Compensation
Programs**



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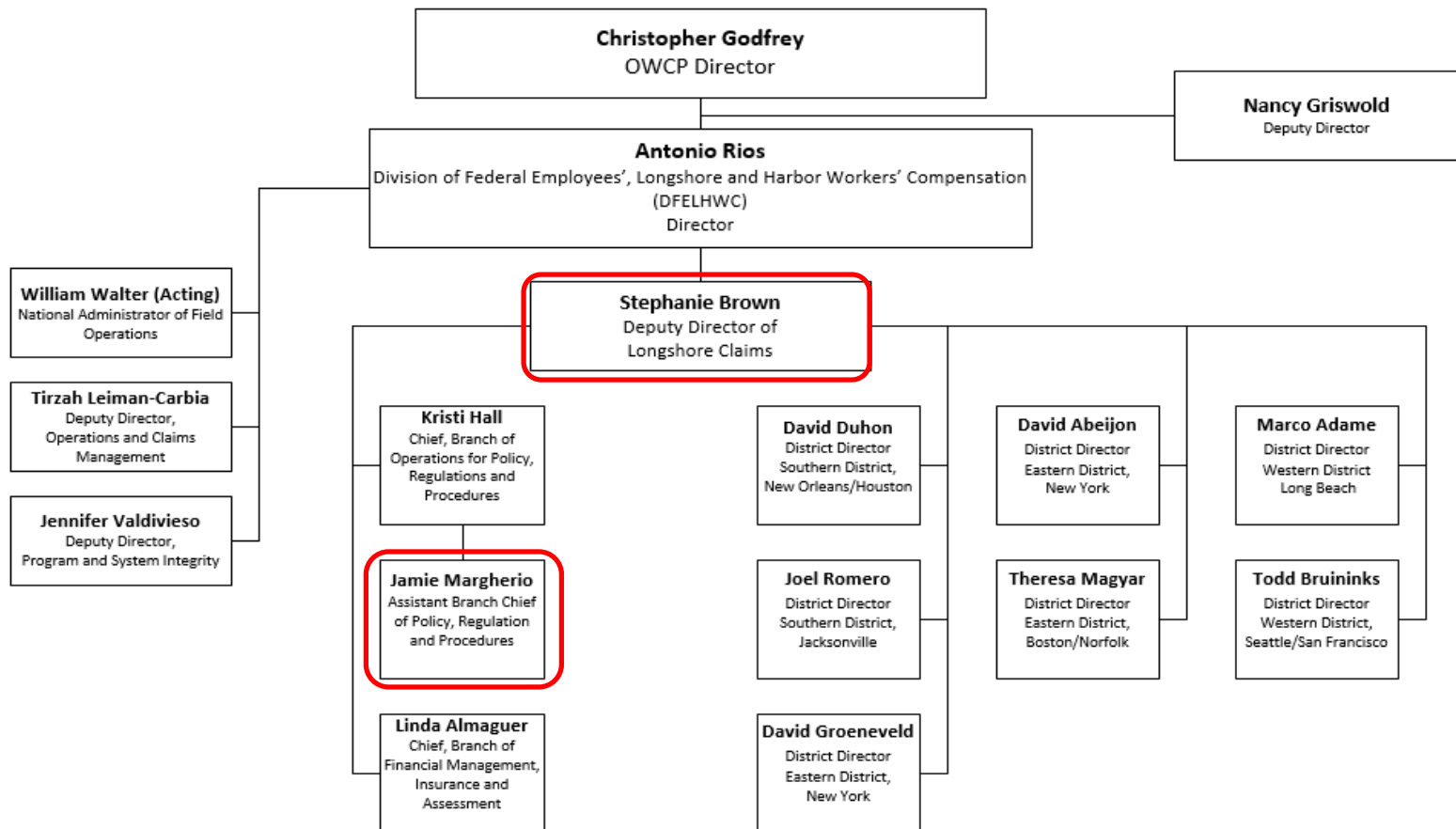


Administration of Claims and Claims Processes



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OWCP Organizational Chart





Compensation Districts Eastern, Southern & Western

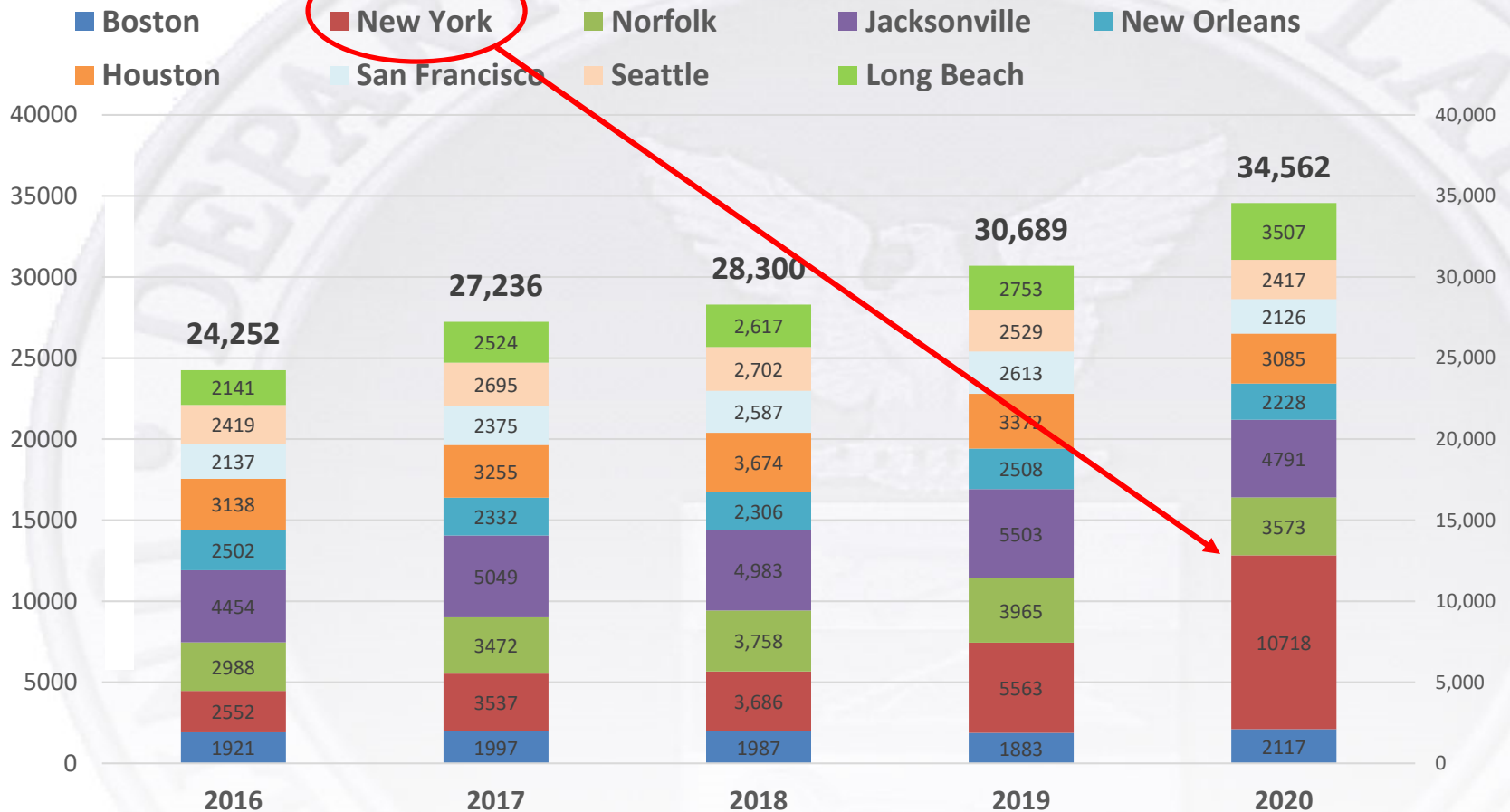


Industry Notice #175



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New Cases Created by Sub-Office





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CE Workload – Case Assignment breakdown as of 05/04/2020

District	Number of CEs	Cases Created		% of Total	% of cases by CE
		Total	Average		
EASTERN	15	12,496	833	52.39%	48%
SOUTHERN	19	6,381	336	26.75%	20%
WESTERN	9	4,977	553	20.86%	32%

Case assignment breakdown post-OWCS



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CE Workload – Case Assignment breakdown as of 01/05/2021

District	Number of CEs	Cases Created		% of Total	% of cases by CE
		Total	Average		
EASTERN	20	2754	138	51.52%	38%
SOUTHERN	13	1573	121	29.42%	34%
WESTERN	10	1019	102	19.06%	28%



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EASTERN DISTRICT	SOUTHERN DISTRICT	WESTERN DISTRICT
<u>Boston (Theresa Magyar)</u>	<u>Jacksonville (Joel Romero)</u>	<u>San Francisco (Todd Bruininks)</u>
No change	2 CEs reassigned FROM Jacksonville TO New York	No Change
<u>Norfolk (Theresa Magyar)</u>	<u>New Orleans (David Duhon)</u>	<u>Seattle (Todd Bruininks)</u>
No Change	1 CE reassigned FROM New Orleans TO New York 3 CEs reassigned FROM New Orleans TO Houston	No change
<u>New York (David Groeneveld)</u>	<u>Houston (David Duhon)</u>	<u>Long Beach (Marco Adame)</u>
6 Reassigned CEs: Ruth Thompson Deanna Parker Ana Ouzts Carolyn Salyer Scott Holmes Michael Brewer	3 Reassigned CEs: Patricia Burke Karen Young Steve Albares	No change



Notice of Proposed Rule Making Withdrawal

- Electronic Filing
- Settlement
- Civil Monetary Penalties



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David Abeijón

District Director

Eastern Compensation District

New York Sub-office



Agenda

- Adjustments in Procedures and policies going forward
- History of Penalty Process
- Report Logic for First Report of Injury



Penalties

- OWCS Automation of pre-penalty notices and the workflows created
- Director's decision not to assess for new deployment, growing pains, future plans
- Recently stopped pre-penalty notices of claims created on 203 – instead notice of claim requests submission of 202 and OWCP will review file for LS-202 - 30 days later



Section 30(a)

Within ten days from the date of any injury, which causes loss of one or more shifts of work, or death or from the date that the employer has knowledge of a disease or infection in respect of such injury, the employer shall send to the Secretary a report...



Section 30(a)

OWCS automatically initiates the pre-penalty process. When a case is created from an LS-202, we look at specific data fields to determine if a penalty letter should be issued.

- First Lost Time (#13 on the LS-202)
- In the absence of First Lost Time, we look at Date of Knowledge (#22 on the LS-202)
- In the absence of First Lost Time and Date of Knowledge, we look at the Date of Injury (#3 on the LS-202)



Program Goal

The program goal is 20 days.

If the LS-202 is not received within 20 days of the First Lost Time, or Date of Knowledge, or the Date of Injury, the pre-penalty letter will be issued advising you of a late filing and requesting that you provide a statement explaining why a penalty should not be assessed.



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Antonio Rios

Director

**Division of Federal Employees', Longshore
and Harbor Workers' Compensation**



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Technology: Tale of 2 Systems

OWCS: Longshore's **New** Case Management System

ECOMP: OWCP's 10-Year Old **Mature** Stakeholder Portal

5/2020: OWCS Deployment (Less than Stellar)	11/2011: ECOMP Deployment: E-Filing Functionality for FECA Forms Federal Workers' Comp Claims (FECA)
9/2020: Msg to All – OWCS Mea Culpa Backlog of mail (COVID) Influx of LS203s/DBA (Case Create) Service of Emailed Comp Orders (Some Intermittent Issues)	05/2013: Users Access to Case Images /Documents/Data
3/2021: Pause: Focus on Steady State	12/2019: Electronically Correspond in Near Real Time
4/2021: Pause: Third Party Vulnerability Assessment	01/2020: White House Declares ECOMP Mandatory Portal for All Federal Agencies
5/2021: DOL's CIO to Provide Recommendations	05/2020: OWCP Expands ECOMP Black Lung & Energy Workers' Comp Stakeholders/Injured Workers



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**Longshore
Claimants
will be Provided
Access in May of
2021
(Less than 60 days)**

UNITED STATES DEPARTMENT OF LABOR

HOME HELP

Welcome

Access your benefit information

Please select your program to proceed.

FECA	DEEOIC	DCMWC	DLHWC
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The site provides functionality for the following Department of Labor Office of Workers' Compensation (OWCP) programs:

FECA
Federal Employees' Compensation Act
The Federal Employees' Compensation Act provides workers' compensation coverage to approximately 2.6 million federal and postal workers around the world for employment-related injuries and occupational diseases. The Division of Federal Employees' Compensation (DFEC) has responsibility for administering the Act through its twelve district offices and national office.

DEEOIC
Division of Energy Employees Occupational Illness Compensation
The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) was enacted in October 2000. Part B of the EEOICPA, effective on July 31, 2001, compensates current or former employees (or their survivors) of the Department of Energy (DOE), its predecessor agencies, and certain of its vendors, contractors and subcontractors, who were diagnosed with a radiogenic cancer, chronic beryllium disease, beryllium sensitivity, or chronic silicosis, as a result of exposure to radiation, beryllium, or silica while employed at covered facilities. The EEOICPA also provides compensation to individuals (or their eligible survivors) awarded benefits by the Department of Justice under Section 5 of the Radiation Exposure Compensation Act (RECA). Part E of the EEOICPA (enacted October 28, 2004) compensates DOE contractor and subcontractor employees, eligible survivors of such employees, and uranium miners, millers, and ore transporters as defined by RECA Section 5, for any occupational illnesses that are causally linked to toxic exposures in the DOE or mining work environment. If you feel that you or a family member may qualify for benefits under the EEOICPA, please contact the Resource Center located in your region for assistance and to obtain claim forms.

DCMWC
Division of Coal Mine Workers' Compensation
The Division of Coal Mine Workers' Compensation, or Federal Black Lung Program, administers claims filed under the Black Lung Benefits Act. The Act provides compensation to coal miners who are totally disabled by pneumoconiosis arising out of coal mine employment, and to survivors of coal miners whose deaths



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FECA

Case Management
System



Energy

Case Management
System



Black Lung

Case Management
System



Longshore

Case Management
System



UNITED STATES DEPARTMENT OF LABOR

[HOME](#)

[HELP](#)

Welcome

Access your benefit information

Please select your program to proceed.

FECA

DEEOIC

DCMWC

DLHWC



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UNITED STATES DEPARTMENT OF LABOR

[HOME](#)

[ENTITIES](#)

[HELP](#)

**Entity Access
will be delivered in
September of 2021
(Less than 6 months)**

Entities Include:

- Attorneys/Law Firms
- Employers
- Carriers
- TPAs

Welcome to the Entities Page

The portal allowing entities to support their claimants.

Need to represent a client?

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Entities

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Sign In

Email or Username

Password

SIGN IN

[Forgot password?](#)



U.S. Department of Labor
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Kristina Hall

**Branch Chief of Operations for Policies,
Regulations and Procedures for
Longshore Program**



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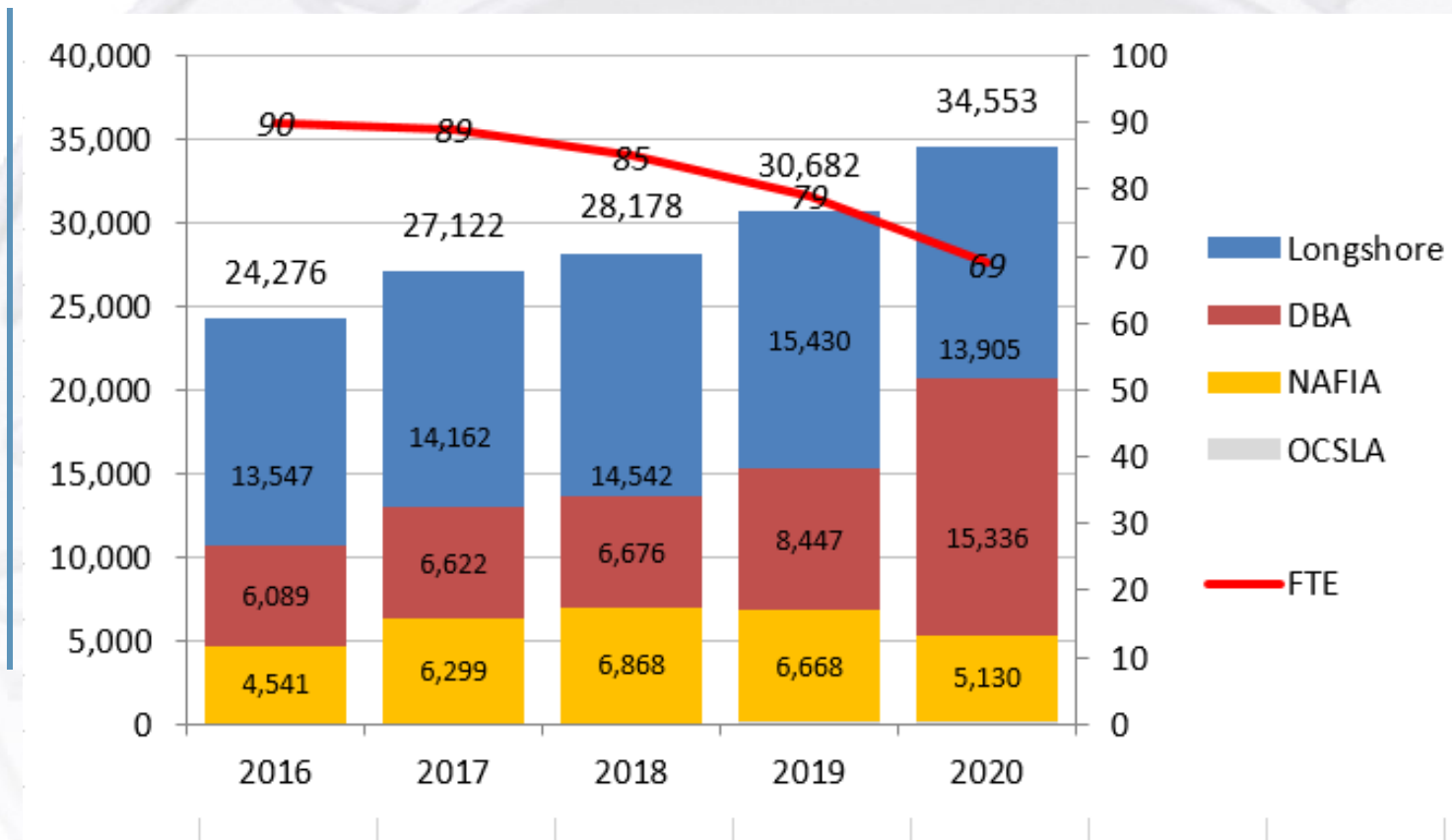
Agenda:

- **Claim Trends**
- **Policies, Regulations, and Procedures Updates**
- **Industry Notices**
- **PM updates**
- **Performance**
- **Accomplishments FY20**



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New Cases Created

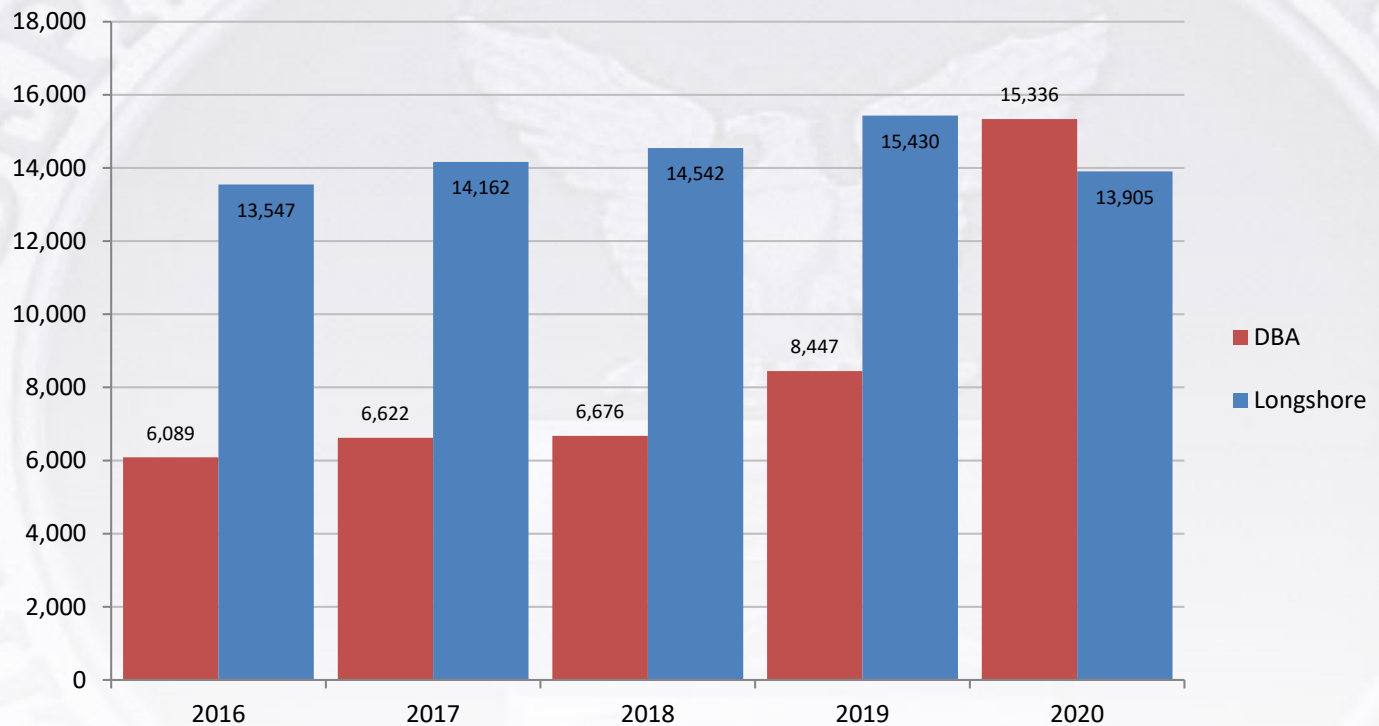




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Claims Trends

New Claims Reported FY 2016 – FY 2020
Longshore & DBA

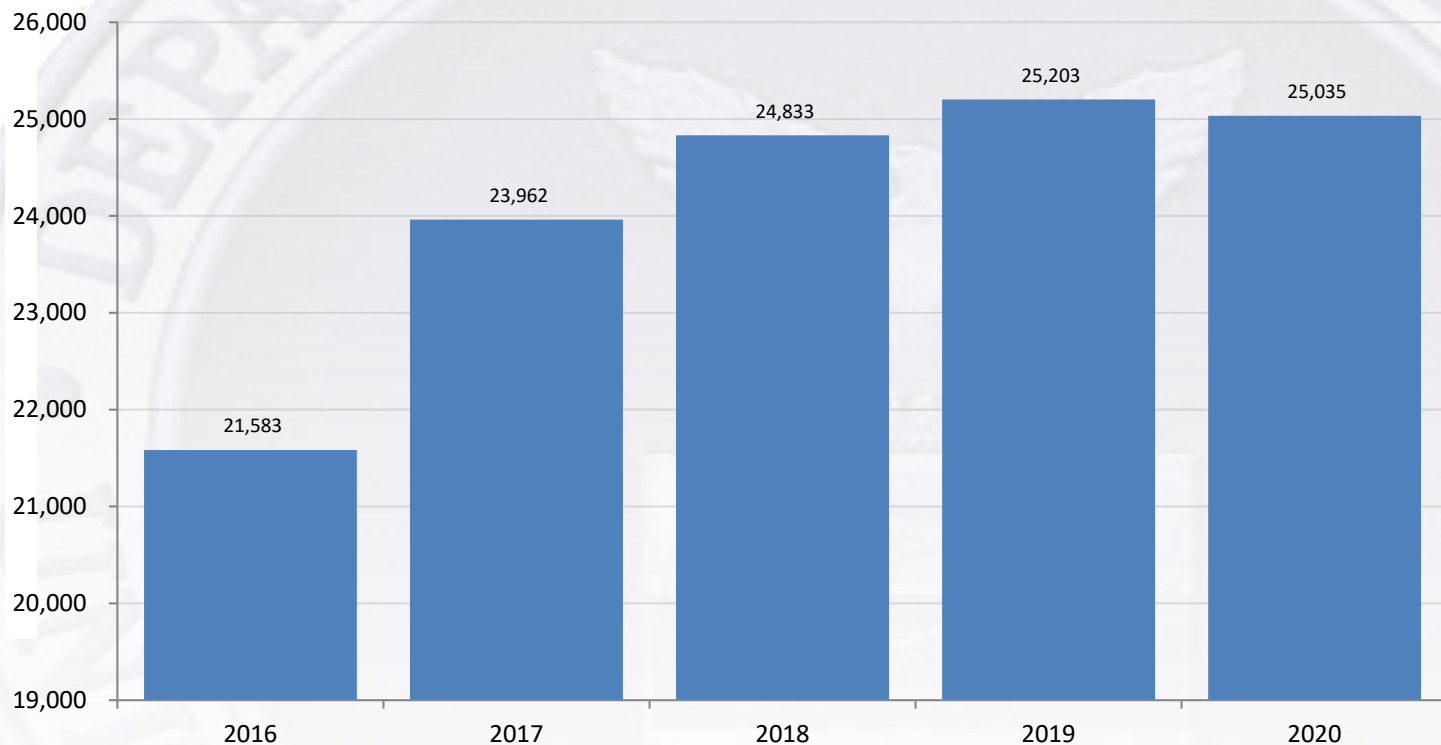




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Claims Trends

New Claims Reported FY 2016 – FY 2020 Traumatic

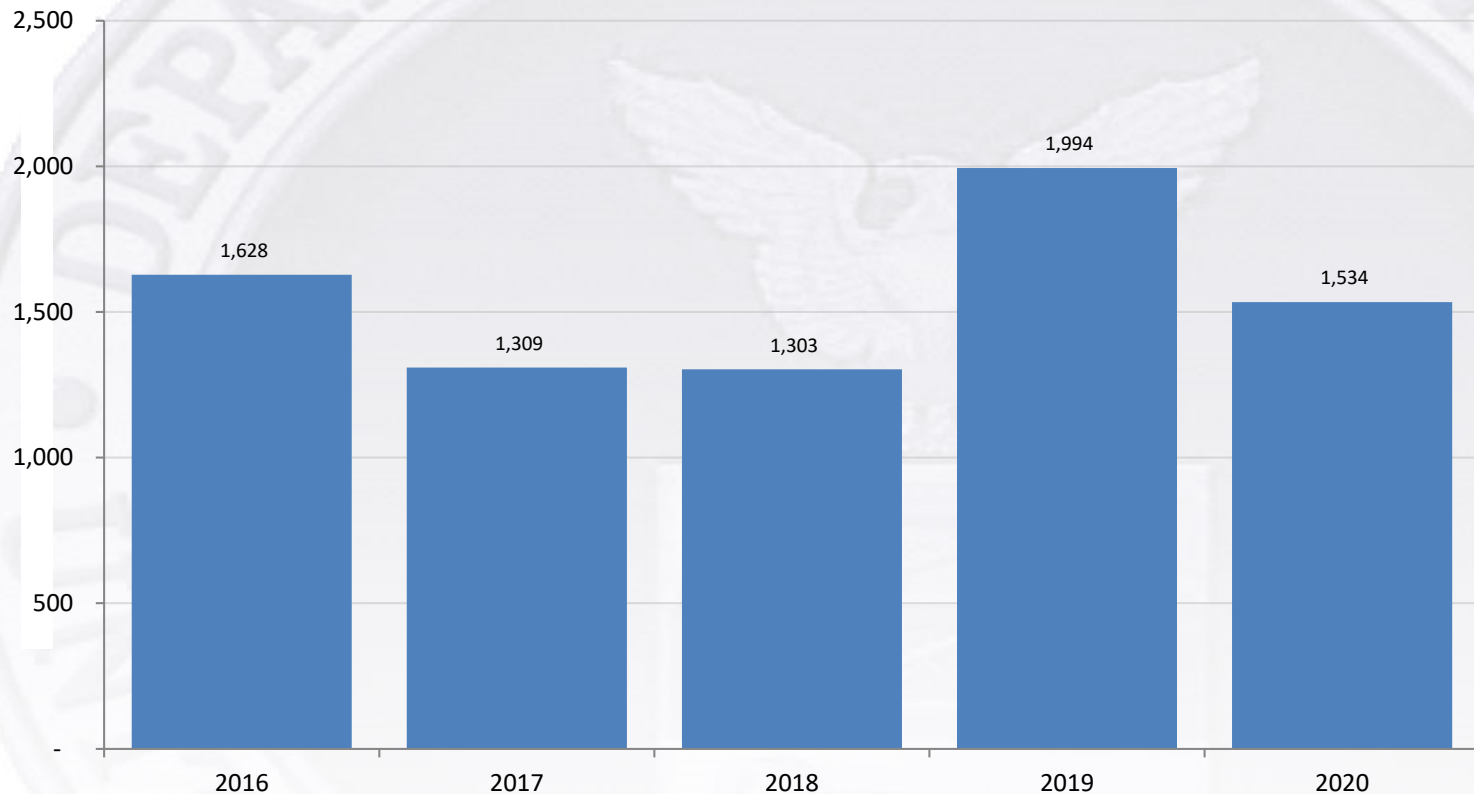




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Claims Trends

New Claims Reported FY 2016 – FY 2020 Hearing Loss





Claims Trends

New Claims Reported FY 2016 – FY 2020
Occupational - Other

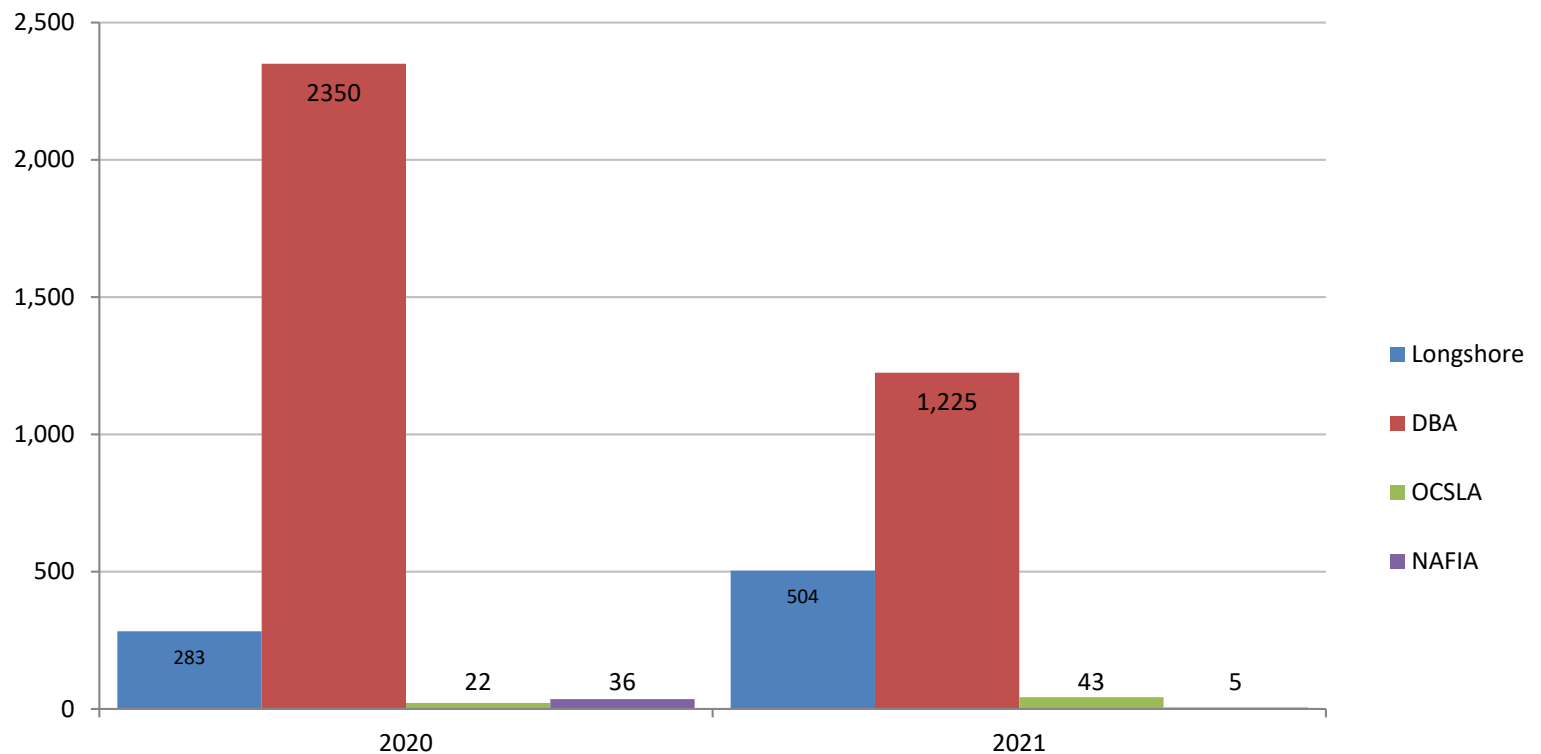




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Claims Trends

New Claims Reported FY 2020 – FY 2021 (to-date)
COVID





Industry Notices

- No-183 2021 Advance Assessment for the Special Fund
- No-182 NAWW Maximum and Minimum Rates Adjustments
- No-181 2020 Final Assessment for the Special Fund
- No-180 Requesting DLHWC Intervention and New DLHWC Forms
- No-179 Electronic Signatures
- No-177 2020 Penalties increase of civil monetary penalties
- No-176 2020 Advance Assessment for the Special Fund
- No-175 Consolidating District Offices and Revising Administrative Case Assignment Procedures



New penalty amounts as of January 15, 2021

- Section 14(g) of the LHWCA, 20 C.F.R. § 702.236: Failure to Report Termination of Payments - \$301
- Section 30(e) of the LHWCA, 20 C.F.R. § 702.204: Penalty for Late Report of Injury or Death - Not to exceed \$24,730
- Section 49 of the LHWCA, 20 C.F.R. § 702.271(a)(2): Discrimination Against Employees Who Bring Proceedings - \$2,473 minimum and \$12,363 maximum.



Longshore Procedure Manual Update

LHWCA Transmittal No: 21-01, Chapter 4-400, Delegation of Authority

Memorializing delegations of authority for certain duties, functions, and tasks from

- **Director, OWCP to the DFELHWC Director or DDs**
- **DFELHWC Director to the District Directors**
- **District Directors to the Claims Examiners**



Industry Performance

1st Report of Injury within 20 days
1st Report of Payment within 28 Days

Measure	FY21 Target	FY20 Actual
1st Report of Injury within 20 days (DBA)	88%	81%
1st Payment of Compensation within 28 days (DBA)	70%	76%
1st Report of Injury within 20 days (Non-DBA)	88%	90%
1st Payment of Compensation within 28 days (Non-DBA)	89%	84%
Penalty Decisions for First Reports of Injury resolved within 90 days	85%	100%
Penalty Decisions for Notices of Payment resolved within 90 days	85%	96%



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FY20 Longshore Performance

Measure	FY21 Target	FY20 Actual
COMPLIANCE		
Notice of Payment processed within 15 days	85%	93%
Additional compensation for late payment resolved within 90 days	85%	91%
ADJUDICATION		
Complete action on request for Intervention within 15 days	85%	90%
Conference held within 45 days	90%	96%
Conference memorandum issued within 10 days	92%	94%
Recommendation for Intervention issue made within 90 days (no conference)	85%	97%
Intervention issue resolved or closed within 90 days	85%	95%
Referrals to the Office of Administrative Law Judges processed within 21 days	90%	92%
Stipulation application processed within 30 days	85%	91%
Second Injury Fund request processed within 45 days	85%	86%
Settlement application processed within 18 days	90%	90%
Attorney fee processed within 15 days (agreed upon)	85%	93%
Attorney fee processed within 120 days (not agreed upon)	85%	97%
Milestone – 79% Receiving documents in digital format (70%)		



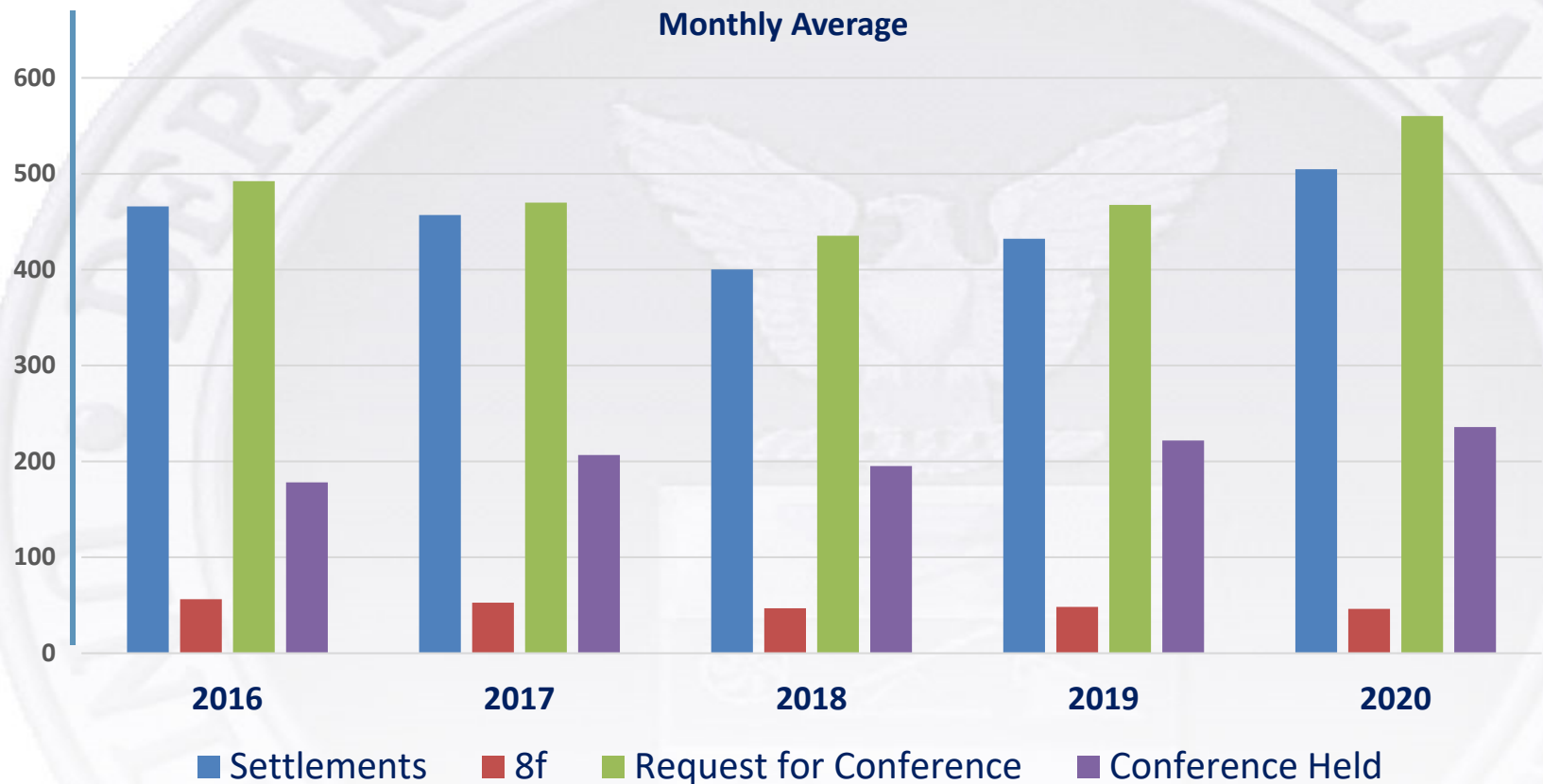
Longshore Performance

Program Increased Focus on Quality

- Quality and Timeliness of Conference Process
- Quality and Timeliness of Settlement Process
- Quality and Timeliness of Special Fund Process
- Quality and Timeliness of Special Fund Payments



Average Task Type per Month 2016-2020





Training

- Deployed a new IT System, OWCP Workers' Compensation System with new reengineered workflows
- Enhanced resource modules
- Intervention vs. solely dispute resolution
- Calculating benefits due for awards with payment through Special Fund
- Interest calculations
- Differences in Circuit Court Decisions between Suboffices



Greater Efficiencies

- Longshore Re-engineering Business Processes
- Delegation of Signature and Approval Authorities
- Standardize duties of CEs nationwide
- Enhance new case management system
- New forms to achieve efficiencies in document submission and customer service
- Expand partnerships to increase capabilities of electronic transfer of documents and data
- Institute the concept of the “Intervention” to support technical assistance, dispute resolution, outreach, and outcomes



We heard from you with challenges at the start of our current pandemic

- **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**
- **Redefined acceptance of “wet” signatures in new digital age**
 - **Electronic Signatures**



Accomplishments

- New CE Performance Management Plans
- New CE Position Descriptions
- Designation of three Compensation Districts
- Transition to 100% telework operations
- Merged to the new DFELHWC
- Deployment of a New IT System –OWCS
- Implemented 6 new OMB approved forms
- Transmitting OALJ Referrals by email
- Receiving OALJ Decisions by email
- Accepted digital signatures
- Delivered Modern Training Material for OWCS and Policy and Procedures
- Increase use of technology through use of WebEx, Webinar, Skype, Microsoft Teams
- Expanded SEAPortal to accept case create documents
- Updated website



Advice from District Directors

- Section 8(i) applications and settlements are case specific
- Get cases created before submitting the settlement application
- Date of injury for an occupational claim is the last date of employment to harmful exposure
- Enter correct information on forms
- No need to submit a Form LS-4 Attorney Fee if submitted with LS-8 for settlement
- Even if you don't agree with a recommendation, respond to it
- Type, don't write, information on claims forms 202, 203, 262, etc.,
- Only use the case create fax for case create documents i.e., 203, 202, 262
- Don't send multiple copies of documents
- Upload documents to the SEAPortal under the right category so action is tracked
- Update waivers when attorneys or adjusters leave or retire their employment
- Submit waivers on all cases



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.gov/portal/>

Telephone Number for all offices: (202) 513-6809

Coming Soon: ECOMP



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Questions?