Office of Workers’ Compensation Programs

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

Signal 2023 Conference:
November 6, 2023 - November 9, 2023
Antonio Rios, Director

Division of Federal Employees’, Longshore and Harbor Workers’ Compensation (DFELHWC)
Agenda:

- Longshore Organizational Structure
- National Performance
- Claims Trends
- Getting in the DBA Game
- What the Industry is Seeing
- IT Modernization Status
Longshore Organizational Structure
Recent Organizational Changes

January 17, 2020

INDUSTRY NOTICE No. 175

TO: INSURANCE CARRIERS AND SELF-INSURED EMPLOYERS UNDER THE LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT as amended, AND OTHER INTERESTED PERSONS

SUBJECT: Consolidating District Offices and Revising Administrative Case Assignment Procedures in the Longshore Program of the Office of Workers’ Compensation Programs (OWCP).

Effective April 6, 2020, the Secretary, through his delegated official, the Director, OWCP, is establishing three new compensation districts for the Longshore Program by consolidating existing districts and re-designating existing district offices as sub-offices of the new compensation districts. This action is in accordance with 20 CFR 702.102 and 33 U.S.C. § 939(b) to more efficiently administer the Longshore and Harbor Workers’ Compensation Act (“LHWCA”) and its extensions.

The three new compensation districts established by the Secretary are to be known as the Eastern, Western, and Southern Districts and all existing offices will become sub-offices of the three new districts:

- Eastern Compensation District – will comprise the jurisdictions covered by the offices currently based in Boston, Massachusetts; New York, New York; and Norfolk, Virginia.
- Western Compensation District – will comprise the jurisdictions covered by the offices currently based in Long Beach, California; San Francisco, California; and Seattle, Washington.
- Southern Compensation District – will comprise the jurisdictions covered by the offices currently based in Jacksonville, Florida; New Orleans, Louisiana; and Houston, Texas.

Existing cases will continue to be administered by OWCP from the offices where they currently reside. Going forward, the Secretary may transfer cases within the new compensation districts to evenly distribute workload.

August 26, 2022

INDUSTRY NOTICE No. 193

TO: INSURANCE CARRIERS AND SELF-INSURED EMPLOYERS UNDER THE LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT as amended, AND OTHER INTERESTED PERSONS

SUBJECT: Reopening District Offices and Restating Administrative Case Assignment Procedures in the Longshore Program of the Office of Workers’ Compensation Programs (OWCP).

Effective August 26, 2022, the Secretary, through his delegated official, the Director, OWCP, is reopening offices for the Longshore Program in Chicago, Illinois and Philadelphia, Pennsylvania. The Philadelphia location will be a sub-office of the Eastern Compensation District and the Chicago location will be a sub-office of the Southern Compensation District. This action is being taken in accordance with 20 CFR §702.102 and 33 U.S.C. § 939(b) to more efficiently administer the Longshore and Harbor Workers’ Compensation Act (“LHWCA”) and its extensions.

As a result, the compensation districts established by the Secretary, the Eastern, Western, and Southern Districts, will have the following sub-offices:

- Eastern Compensation District – Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; and Norfolk, Virginia.
- Western Compensation District – Long Beach, California; San Francisco, California; and Seattle, Washington.
- Southern Compensation District – Jacksonville, Florida; New Orleans, Louisiana; Chicago, Illinois; and Houston, Texas.

The Secretary may transfer cases between districts and offices to evenly distribute workload.
Compensation Districts
Eastern, Southern & Western

**EASTERN DISTRICT**
Suboffices:
- Boston – Theresa Magyar
- New York – Theresa Magyar, Todd Bruininks
- Philadelphia – Theresa Magyar
- Norfolk – Theresa Magyar

**SOUTHERN DISTRICT**
Suboffices:
- Jacksonville – David Duhon
- New Orleans – David Duhon
- Houston – David Duhon
- Chicago – David Duhon

**WESTERN DISTRICT**
Suboffices:
- Seattle – Marco Adame
- San Francisco – Marco Adame
- Long Beach – Marco Adame

Industry Notice #175
Industry Notice #193
Compensation District Workload – Case Assignment breakdown as of 05/04/2020

Western District:
- Percent of Total CEs: 21%
- Percent of All Cases Created in 2020: 22%

Southern District:
- Percent of Total CEs: 28%
- Percent of All Cases Created in 2020: 44%

Eastern District:
- Percent of Total CEs: 35%
- Percent of All Cases Created in 2020: 50%
Compensation District Workload – Case Assignment breakdown as of 01/05/2021

Reassignment of Cases and CEs on 01/05/2021 to establish a more equitable distribution of cases.
Compensation District Workload – Case Assignment breakdown as of 09/05/2023

Western District:
- 1 Lead Claims Examiner
- 8 Claims Examiners
- 19% of Total CEs
- 19% of All Cases Created in FY23 (YTD)

Southern District:
- 1 Lead Claims Examiner
- 12 Claims Examiners
- 29% of Total CEs
- 29% of All Cases Created in FY23 (YTD)

Eastern District:
- 2 Lead Claims Examiners
- 22 Claims Examiners
- 52% of Total CEs
- 52% of All Cases Created in FY23 (YTD)
Longshore Workforce (2020-2023)

- The model built allows the program the flexibility to reorganize and reassign based on need (patterns/trends).
Stephanie Brown, Deputy Director of Longshore Claims

Division of Federal Employees’, Longshore and Harbor Workers’ Compensation (DFELHWC)
Longshore Performance
FY23 Longshore Performance (Timeliness)
FY23 Longshore Performance (Quality)
FY23 Longshore Performance (Timeliness)

- 98% of penalty decisions for Notices of Payment resolved within 90 days (goal is 85%)
- 93% of penalty decisions for First Reports of Injury resolved within 90 days (goal is 85%)
- 92% of conference memorandum issued within 10 days (goal is 92%)
- 100% of recommendation(s) for intervention issue made within 90 days if no conference is held (goal is 85%)
- 95% of actions completed on requests for intervention within 15 days (goal is 85%)
- 100% of referrals to the Office of Administrative Law Judges processed within 21 days (goal is 90%)
- 99% of settlement applications processed within 18 days (goal is 90%)
- 95% of stipulation applications processed within 30 days (goal is 85%)
- 94% of Second Injury Fund requests processed within 45 days (goal is 85%)
- 99% of attorney fees agreed upon processed within 15 days (goal is 85%)
- 85% of attorney fees not agreed upon processed within 120 days (goal is 85%)
- 89% of applications and annual renewals for workers’ compensation coverage processed within 45 days (goal is 85%)
FY23 Longshore Performance (Quality)

- 95% of settlement actions sampled for quality rated as correct (goal is 90%)
- 93% of Second Injury Fund applications actions sampled for quality rated as correct (goal is 85%)
- 95% of Second Injury Fund payments sampled for quality rated as correct (goal is 95%)
- 92% of penalty actions sampled for quality rated as correct (goal is 85%)
- 92% of informal conference actions sampled for quality are rated as correct (goal is 89%)
Settlements
FY2021/FY2022/FY2023

- 2021
  - Number: 3,832
  - Average Days: 8.6
  - Target: 18

- 2022
  - Number: 5,848
  - Average Days: 8.9
  - Target: 18

- 2023
  - Number: 8,400
  - Average Days: 9.2
  - Target: 18
Initial Intervention (response to request for conference)
FY2021/FY2022/FY2023

- 2021: Number 4,004, Average Days 12.0, Target 15
- 2022: Number 5,066, Average Days 9.1, Target 16
- 2023: Number 4,937, Average Days 9.2, Target 15
Referrals to OALJ
FY2021/FY2022/FY2023

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Average Days</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021</td>
<td>7,491</td>
<td>1.2</td>
<td></td>
</tr>
<tr>
<td>2022</td>
<td>8,110</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td>2023</td>
<td>9,666</td>
<td>0.4</td>
<td></td>
</tr>
</tbody>
</table>
Industry Performance
## FY23 Longshore and Special Fund Industry Performance

<table>
<thead>
<tr>
<th>Measure</th>
<th>FY23 Result</th>
<th>FY23 Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Report of Injury filed within 20 days for non-DBA cases</td>
<td>93.5%</td>
<td>92.5%</td>
</tr>
<tr>
<td>Percent of Final Assessment Bills collected within 60 days</td>
<td>90%</td>
<td>90%</td>
</tr>
</tbody>
</table>

- 93.5% of Employers’ First Report of Injury filed within 20 days for non-DBA cases (goal is 92.5%)
- 90% of Industry Special Workers' Compensation Fund (Longshore Trust) Final Assessment bills collected within 60-days of issuance (goal is 90%)
Industry Performance
First Report of Injury within 20 days
Non-DBA

<table>
<thead>
<tr>
<th>Year</th>
<th>All Carriers</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2019</td>
<td>94%</td>
<td>92%</td>
</tr>
<tr>
<td>FY2020</td>
<td>91%</td>
<td>88%</td>
</tr>
<tr>
<td>FY2021</td>
<td>92%</td>
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<td>FY2023</td>
<td>93.5%</td>
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</tbody>
</table>

Change from 30 to 20 days
Claims Trends
New Cases Created by Act (FY2019 to FY2023)
Trends – Claims Reported FY2019 – FY2023
Longshore and DBA
Trends – New Claims Reported FY2019 – FY2023 Traumatic and Occupational
Antonio Rios, Director

Division of Federal Employees’, Longshore and Harbor Workers’ Compensation (DFELHWC)
Getting in the DBA Game
Carrier:
- Timely submission of Claim
  - Connect Direct
  - SEAPortal

U.S. DEPARTMENT OF LABOR

• Boosts Industry Performance
• Boosts Longshore Performance
Defense Base Act

The Defense Base Act ("DBA") is an extension of the United States Longshore and Harbor Workers Compensation Act and was enacted to protect employers and contractor employees working on public sector projects outside the United States. Any employer with employees working on projects outside the United States, whether military in nature or not, will likely require DBA coverage. Failure to obtain DBA coverage can result in fines, loss of contracts, and legal liability.

Interested in learning more about what Signal can offer you?

View our application here or click here to send a note to one of our Underwriters.
Certain DBA Claims

Carrier:
- Timely submission of Claim
  - Connect Direct
  - SEAPortal

Reimbursable under
War Hazard Compensation Act

- Boosts Industry Performance
- Boosts Longshore Performance

Reimbursement to Carrier

- Speeds Resolution of Claim
- Eligibility for WH Reimbursement
War Hazard Compensation Act Reimbursements

Total Payouts and Approvals by Calendar Year

- 2014: $69,200,000
- 2015: $129,000,000
- 2016: $158,400,000
- 2017: $217,400,000
- 2018: $279,000,000
- 2019: $340,000,000
- 2020: $311,700,000
- 2021: $349,800,000
- 2022: $437,600,000
- 2023 YTD: $437,600,000
## FY23 DBA Industry Performance

<table>
<thead>
<tr>
<th>Measure</th>
<th>FY23 Result</th>
<th>FY23 Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Report of Injury filed within 20 days for DBA cases</td>
<td>92%</td>
<td>85%</td>
</tr>
</tbody>
</table>

- 92% of Employers’ First Report of Injury filed within 20 days for DBA cases (goal is 85%)
Industry Performance
First Report of Injury within 20 days
DBA

<table>
<thead>
<tr>
<th>Year</th>
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<td></td>
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<tr>
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<td>85%</td>
</tr>
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</table>

Change from 30 to 20 days
DBA Online Resources - Longshore Internet

- DBA Page

Defense Base Act

The Defense Base Act provides workers' compensation protection to civilian employees working outside the United States on U.S. military bases or under a contract with the U.S.

ON THIS PAGE

- What's New
- Overview
- Insurance Information
- DBA Waivers
- Benefits and Claims
- Law Reference Materials
- War Hazards Compensation Act Resources
Stephanie Brown, Deputy Director of Longshore Claims

Division of Federal Employees’, Longshore and Harbor Workers’ Compensation (DFELHWC)
What the Industry is Seeing
# Claims-Related Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>OWCP's Stance</th>
</tr>
</thead>
</table>
| Supporting the claims with medical evidence    | • Necessary to make a good faith effort to resolve disputes  
• OWCP will delay referral to the OALJ where there is not *any* medical on file and develop for it, but, our obligation is to refer the case when requested by parties. |
| Multiple attorneys on case                     | • Where claimant has SSN, duplication of claims should be very minimal.  
• Where no SSN, search by name is performed, but with name variations for foreign nationals, this is not a fail-safe.  
• If you identify these, notify OWCP ASAP. The earlier in the life of the claim, the better. |
## Budget and Innovation

<table>
<thead>
<tr>
<th>Issue</th>
<th>OWCP's Stance</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY23 to FY24 budget and outlook</td>
<td>• Level or less</td>
</tr>
<tr>
<td></td>
<td>• Development freeze</td>
</tr>
<tr>
<td>Creative Innovation</td>
<td>• Where we can innovate without development or utilize our in-house staff and current partnerships, we are, as always pushing forward.</td>
</tr>
<tr>
<td></td>
<td>• Where development is required or major projects such as ECOMP access for Employers/Carriers, the program plan has not changed, <strong>but the timeline has</strong>.</td>
</tr>
</tbody>
</table>
## Settlements

<table>
<thead>
<tr>
<th>Issue</th>
<th>OWCP’s Stance</th>
</tr>
</thead>
<tbody>
<tr>
<td>All-inclusive language in Settlement agreements</td>
<td>• OWCP still will not approve Settlements with all-inclusive language.</td>
</tr>
<tr>
<td></td>
<td>• OWCP will contact parties to have it stricken (either by deficiency letter or phone call).</td>
</tr>
<tr>
<td>Settling for additional conditions not originally claimed</td>
<td>• Conditions not originally claimed must be supported by medical.</td>
</tr>
<tr>
<td></td>
<td>• Specific consideration for these additional conditions must be outlined in the settlement.</td>
</tr>
</tbody>
</table>
Settlements

Pursuant to the agreement and stipulation submitted by and between the interested parties, and such further investigation in the above-entitled claim having been made as is considered necessary, and no hearing having been applied for by any party in interest or considered necessary by the District Director, the District Director makes the following:

FINDINGS OF FACT

1. That the claimant alleges accidental injury arising out of and in the course of employment with the employer on or about

2. That liability of the employer for compensation under the above cited Act is insured by

3. The parties desire to settle the claim on the following basis:

Lump sum of $XXX for compensation

Lump sum of $XXX for medical benefits

4. XX will receive $XXX for fees and costs associated with this claim.

ORDER

Pursuant to Section 8(i) of the Longshore and Harbor Workers’ Compensation Act, as amended, finds this settlement to be adequate and not procured by duress, and hereby approves the settlement. Approval will effect a final disposition of this claim, discharging the liability of the Employer/Insurance Carrier for such compensation or medical benefits or both as agreed upon and stated above.

Dear Ladies and Gentlemen:

This notice and statement is issued as provided for in 20 CFR 702.243 (b) and (c).

The recently received settlement application is deficient for the below stated reason(s). See 20 CFR 702.242. Upon receipt of the documentary evidence or an amended application correcting the deficiencies, the settlement application will be reconsidered. The 30 day time period for the District Director to approve or disapprove the proposed settlement will begin after receipt of a complete application. See 20 CFR 702.243(b).

The settlement application attempts to resolve injuries for which no claim has been made under the Longshore and Harbor Workers’ Compensation Act (or extension) involving the parties attempting to settle. This cannot be done, per 20 CFR 702.241(g). A new application should be submitted where the parties either strike the language referencing unnamed/unclaimed injuries, or provide further information and explanation why these currently unnamed injuries are referenced in the settlement application.

You can electronically submit documents in response to this notice directly into the OWCP case through the Secure Electronic Access Portal (SEAPortal). You can access SEAPortal at: https://seaportal.dol.gov. When you access the website, you will be asked to provide the OWCP number along with the injured worker’s last name, date of birth and date of injury. The SEAPortal will then provide a Tracking Number, so you can verify when OWCP received your document. Documents will be visible in the OWCP file within 4 hours of upload. Please contact your servicing office for assistance if you are having difficulty uploading a document. Alternatively, you can mail documents to the address at the address above.

Please DO NOT submit documents by SEAPortal and mail. Only one copy is necessary.

If you have any questions, please contact me at (202) 513-6809.
Proposed Rulemaking: Civil Money Penalties Procedure

- Posted to the Federal Register on September 12, 2023
- Comments close November 13, 2023, and they can be submitted electronically at Regulations.gov
- Focuses on process used to assess civil penalties to entities that fail to report worker injuries accurately and timely
- Enhances procedures for contesting OWCP’s penalty determinations
- Following publication, Longshore looks to lift the moratorium in effect since 2020

Click on this image on the Longshore Home Page – Featured Stories section for additional information and Links.
Antonio Rios, Director

Division of Federal Employees’, Longshore and Harbor Workers’ Compensation (DFELHWC)
Modernization Status
Modernization Status (2020-2023):

- System-to-System transfer and Online Accessibility
- ECOMP
- Online Resources
- Forms
- Digitization
System-to-System Transfer and Online Accessibility

Connect Direct:
- Longshore
- DBA
- NAFI
- Medical Records

SEAPortal
ECOMP

Are you a Claimant or Claimant's Attorney who would like online access to your cases?
Welcome to ECOMP

The Employees’ Compensation Operations & Management Portal

Total DFELHWC Users – 695,396
- Includes 691,872 registered FECA claimants
- **Longshore Claimants – 3,524 registered, 2,968 identity verified**

**Entities**
- FECA – 777 Entities (law firms, unions, non-attorney reps)
- **Longshore - 183 Entities (law firms)**
**ECOMP – History**

2021: ECOMP introduced to Longshore Claimants
2022: Claimant and Claimant Attorney Imaging introduced
2023: PILOT – Foreign National Attorney Access

- Currently in PILOT phase
- Allow foreign nationals who cannot identify verify to authorize their representatives access to their cases in ECOMP
- Based on PILOT results, possible expansion to all represented foreign nationals.
ECOMP – Claimant Experience

Details of the case such as AWW, CR, Body part, etc.

Shows Employer, Carrier and Attorneys on file

Payments made by OWCP Special Fund

Documents in the OWCP case file
# Case Documents

**CASE LS-0**

- **Employer:** General Dynamics
- **Claimant Name:**
- **Date of Injury:**
- **Date of Birth:**

## Case Documents

<table>
<thead>
<tr>
<th>Subject</th>
<th>Category</th>
<th>Authored</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>ECOMP Entity Transaction Memo</td>
<td>MISC</td>
<td>01/14/2022</td>
<td>01/14/2022</td>
</tr>
<tr>
<td>Auth by Claimant (ECOMP)</td>
<td>INCOMING COR &amp; CALLS</td>
<td>01/14/2022</td>
<td>01/14/2022</td>
</tr>
<tr>
<td>Removal of Rep</td>
<td>INCOMING COR &amp; CALLS</td>
<td>01/14/2022</td>
<td>01/14/2022</td>
</tr>
<tr>
<td>ECOMP Entity Transaction Memo</td>
<td>MISC</td>
<td>01/14/2022</td>
<td>01/14/2022</td>
</tr>
<tr>
<td>Other/Multiple</td>
<td>OUTGOING COR &amp; CALLS</td>
<td>06/07/2021</td>
<td>06/07/2021</td>
</tr>
<tr>
<td>Other/Multiple</td>
<td>INCOMING COR &amp; CALLS</td>
<td>06/07/2021</td>
<td>06/07/2021</td>
</tr>
</tbody>
</table>

**CASE IMAGING**
Case Documents

U.S. DEPARTMENT OF LABOR

August 23, 2021
Date of Injury: 05/01/2005
Employee: TESTCASE TESTCASE

TESTCASE TESTCASE
123 UNION SQUARE
MARLBORO, MA 01752

Dear TESTCASE TESTCASE:

[Document content]

Download
ECOMP – Entity Experience

Welcome to the Entities Page

Entities Overview

Entities are individuals, business entities, or organizations that may be given access to specific OWCP case files. To be an authorized Entity user within OWCP’s ECOMP portal, each user must register and be identity verified within ECOMP.

Some Entities are granted access to claimant files based solely on the claimant’s designation of representation. These Entity types include attorneys/law firms, union representatives and non-attorney authorized representatives.

Entities

Register for an account or sign in to get started!

Sign In

Email or Username

Password
All Things Being Equal
November 17, 2023

********

C.R.

********

Stop-gap

...To be Continued...
Stephanie Brown, Deputy Director of Longshore Claims

Division of Federal Employees’, Longshore and Harbor Workers’ Compensation (DFELHWC)
Online Resources
In FY2023 91.49% of Correspondence, Forms and other documents were submitted to DOL in Digital Format.
Of those documents submitted electronically, 81% were submitted via SEAPortal.
Online Resources - SEAPortal

- Updated HELP menu with new resources
- Instructional video – NEW!

- FAQs
- Longshore Home Page
- SEAPortal Training video
- Longshore Claims Forms Training video (Coming Soon!)
- ECOMP
- Document Category List

- Forms training video – Coming Soon!
Other Updates
Digitization

- **Back File Conversion (BFC)** - In our quest to become fully paperless, we completed the scan and upload of all paper files in OWCP possession to OWCS.
  - *What this means? When you request a file, you get the previous paper portion as well as the electronic portion in a convenient way - via password-protected email.*
  - Over 9 million pages scanned.

- **Federal Records Center (FRC)** – Cases that are recalled from the FRC are scanned and uploaded to OWCS.
  - *What this means? All cases retrieved from FRC are now available to CEs in digital format.*
Digitization

- Insurance Cards –
  - *What this means? All coverage cards in the possession of OWCP have been scanned and uploaded to a database.*
  - *Over 420,000 insurance cards are now accessible by OWCP staff.*
Updated Forms (Industry Notice No 197)

- **Instrumental in expediting delivery of benefits**
- **Available on Longshore Internet - File format changed – no more need for download – can be opened and filled out in browser**
- **LS-7 Request for Intervention updated to allow for identification of a specific “Other” issue (free form)**
- **LS-8 Settlement Application updated to allow easier completion of a single form for multiple claims**
  - One LS-8 for up to 4 cases.
  - Submit to one case file, not all.
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  
Preferred method of submission  
Telephone Number for all offices: (202) 513-6809  
ECOMP Longshore page for Claimants: https://dlhwc.dol.gov/  
ECOMP Longshore page for Entities: https://owcp.industrypartners.dol.gov
Questions?