

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

3 11/13/2023

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 suboffices 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 suboffices 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 suboffices:

- 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.

11/13/2023



Compensation Districts Eastern, Southern & Western

EASTERN DISTRICT

SOUTHERN DISTRICT

WESTERN DISTRICT

Suboffices:

Boston – Theresa Magyar

<u>New York</u> – Theresa Magyar, Todd Bruininks

<u>Philadelphia</u> – Theresa Magyar

Norfolk - Theresa Magyar

Suboffices:

Jacksonville - David Duhon

New Orleans - David Duhon

Houston - David Duhon

Chicago - David Duhon

Suboffices:

Seattle - Marco Adame

<u>San Francisco</u> – Marco Adame

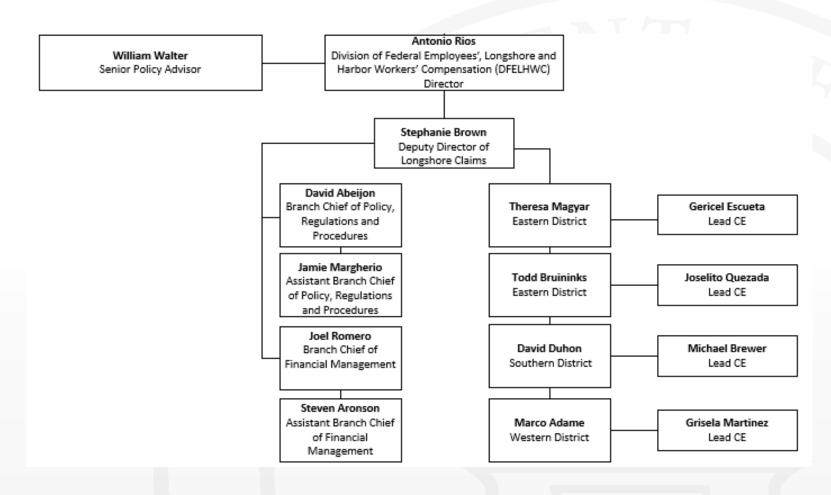
Long Beach - Marco Adame

Industry Notice #175

Industry Notice #193

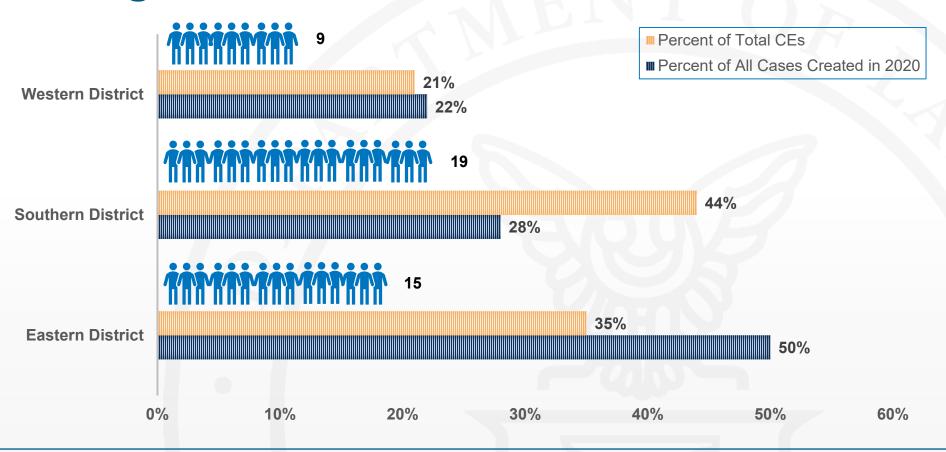


<u>DFELHWC – Longshore Organizational Chart</u>



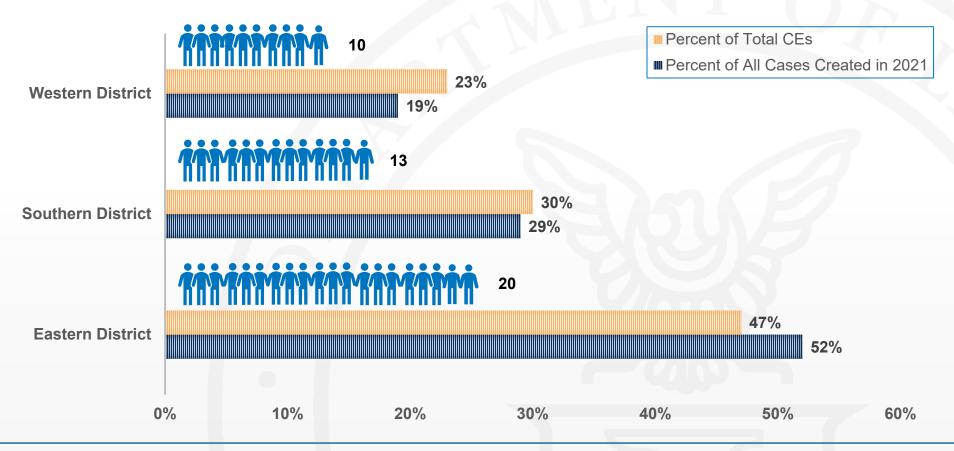


Compensation District Workload – Case Assignment breakdown as of 05/04/2020



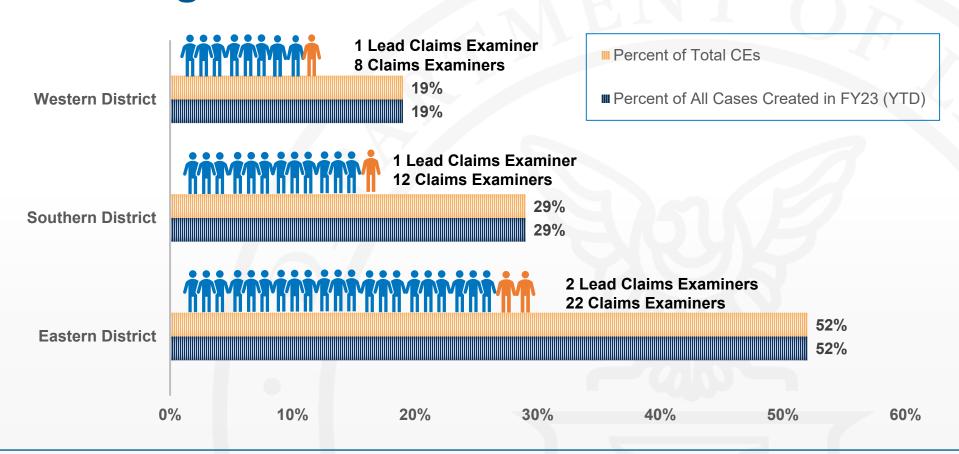


Compensation District Workload – Case Assignment breakdown as of 01/05/2021



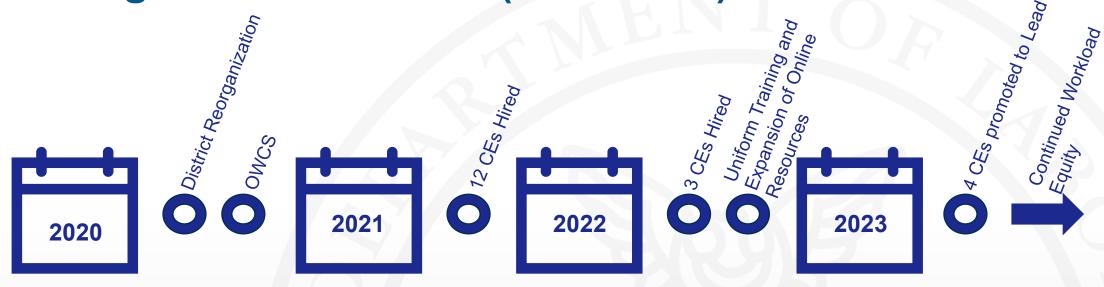


Compensation District Workload – Case Assignment breakdown as of 09/05/2023





Longshore Workforce (2020-2023)



 The model built allows the program the flexibility to reorganize and reassign based on need (patterns/trends).

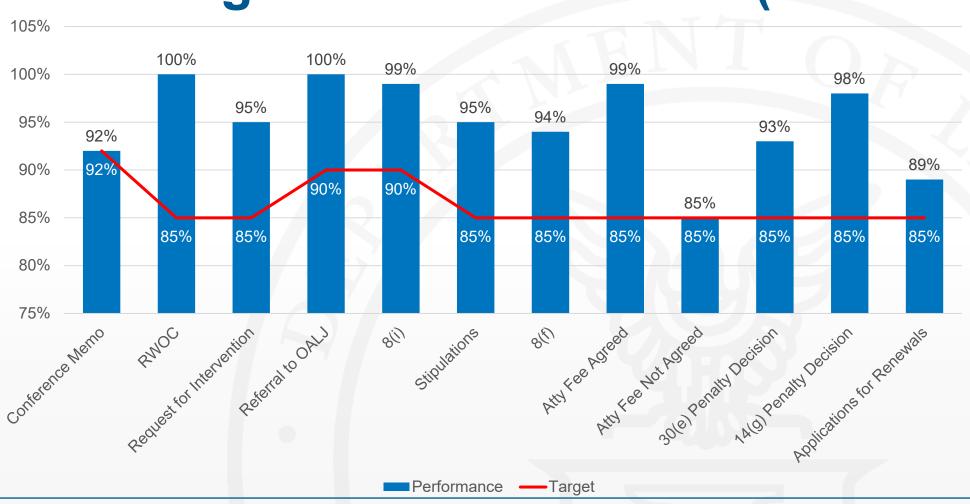
Stephanie Brown, Deputy Director of Longshore Claims

Division of Federal Employees', Longshore and Harbor Workers' Compensation (DFELHWC)

Longshore Performance

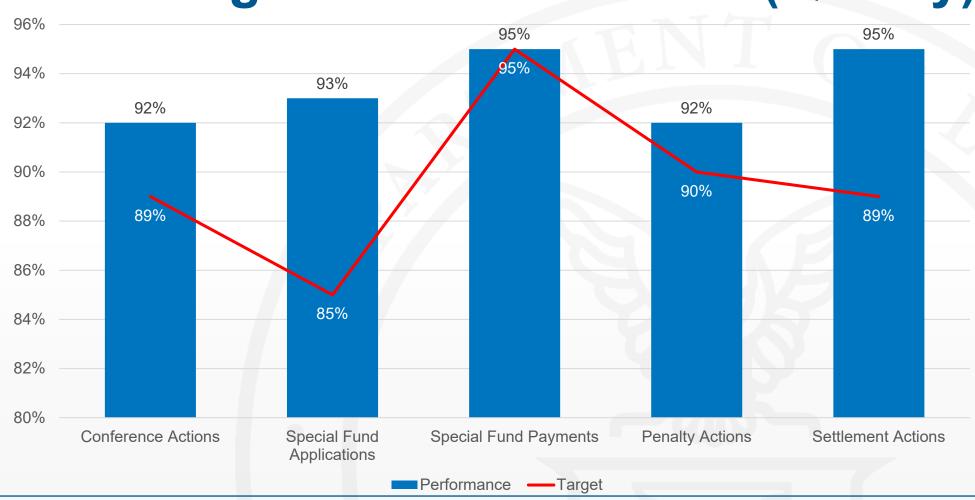


FY23 Longshore Performance (Timeliness)





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%)

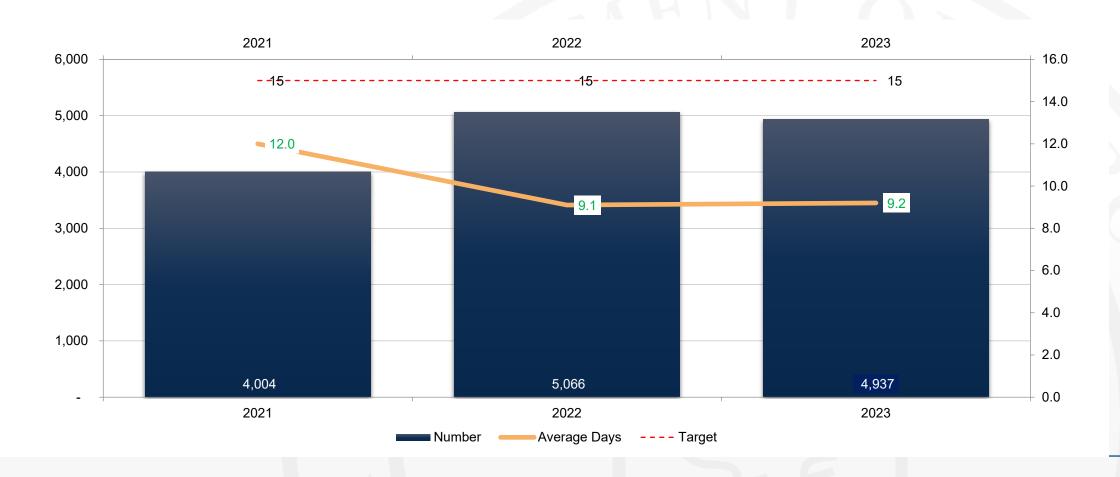


Settlements FY2021/FY2022/FY2023





Initial Intervention (response to request for conference) FY2021/FY2022/FY2023





Referrals to OALJ FY2021/FY2022/FY2023



Industry Performance



FY23 Longshore and Special Fund Industry Performance

Measure	FY23 Result	FY23 Target
1st Report of Injury filed within 20 days for non-DBA cases	93.5%	92.5%
Percent of Final Assessment Bills collected within 60 days	90%	90%

- 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%)



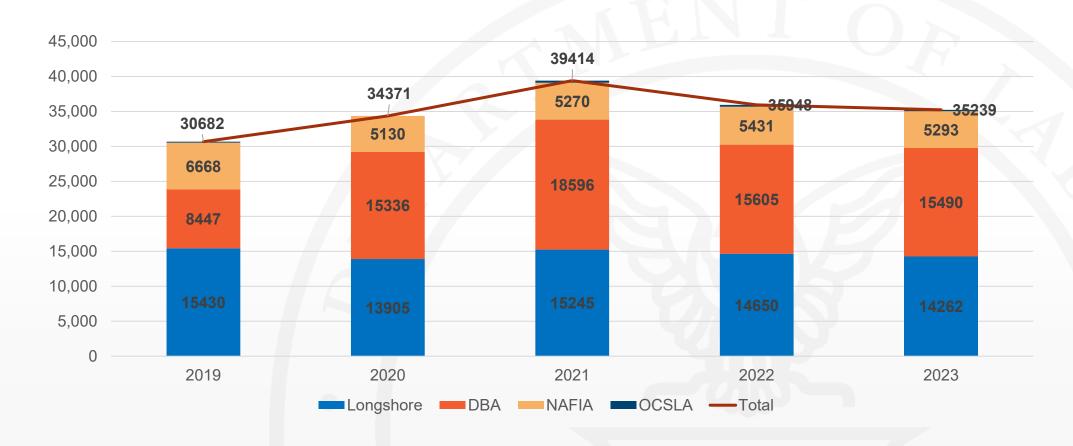
Industry Performance First Report of Injury within 20 days Non-DBA



Claims Trends

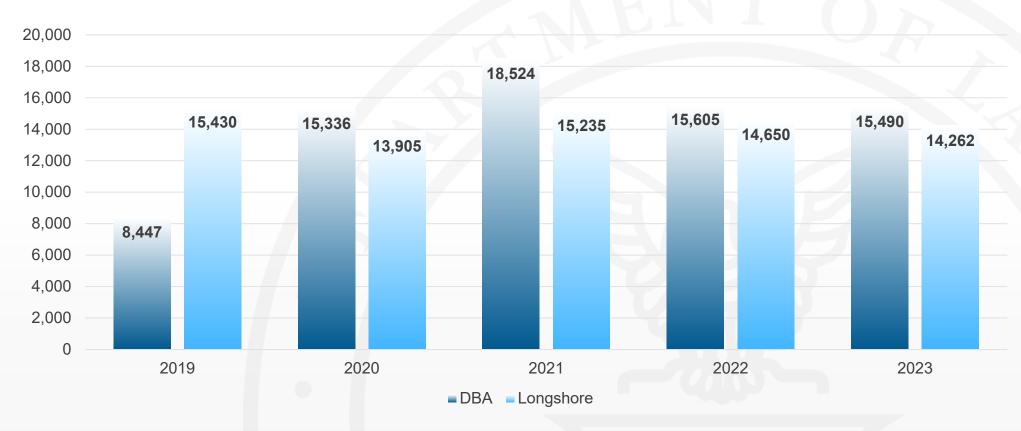


New Cases Created by Act (FY2019 to FY2023)





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:

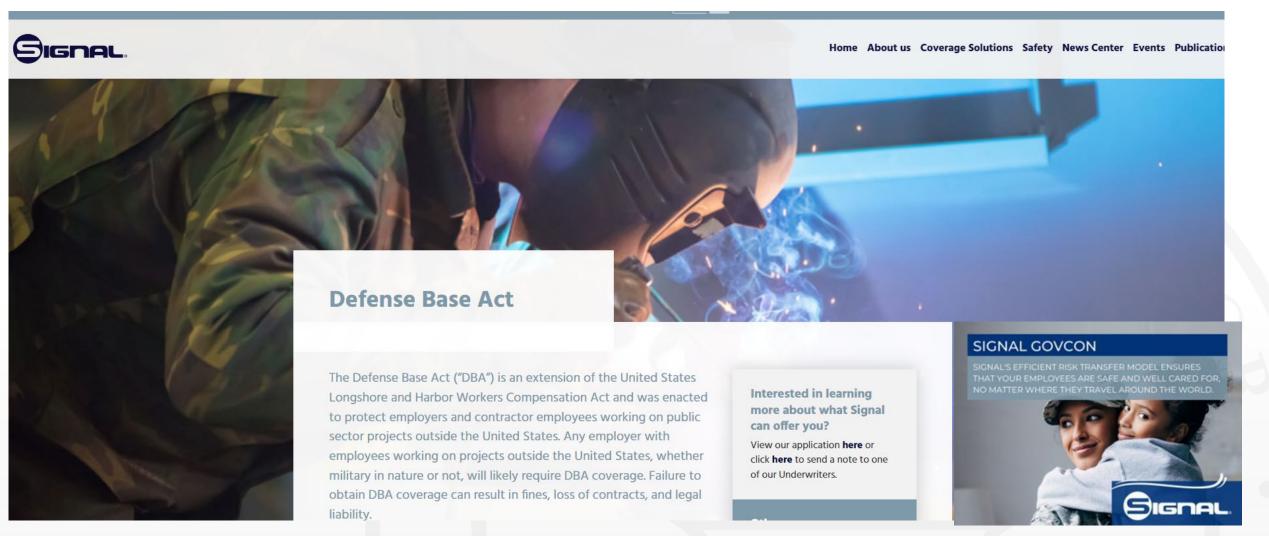
- Timely submission of Claim
 - Connect Direct
 - SEAPortal



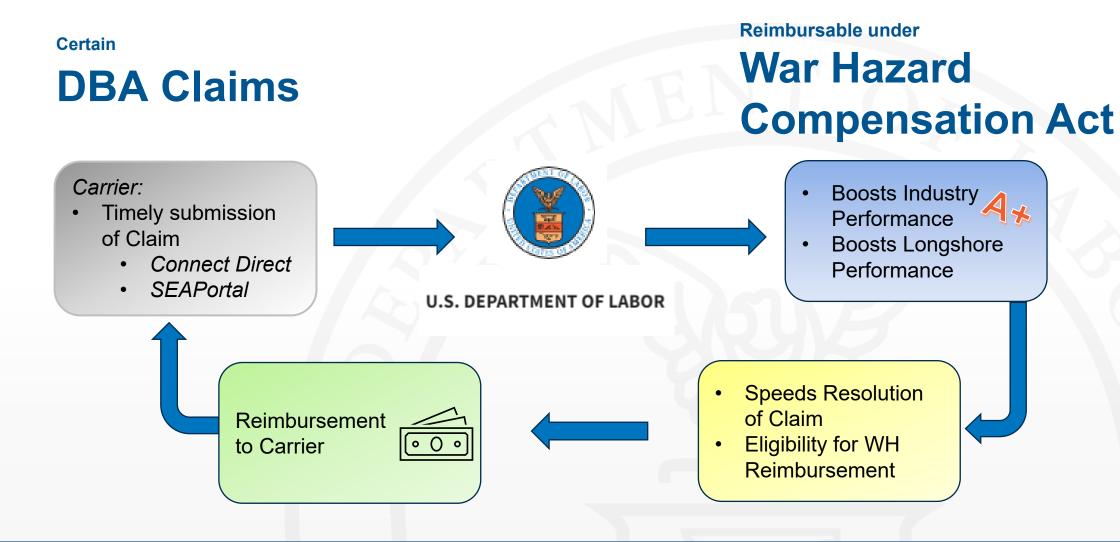
U.S. DEPARTMENT OF LABOR

- Boosts Industry
 Performance
- Boosts Longshore Performance



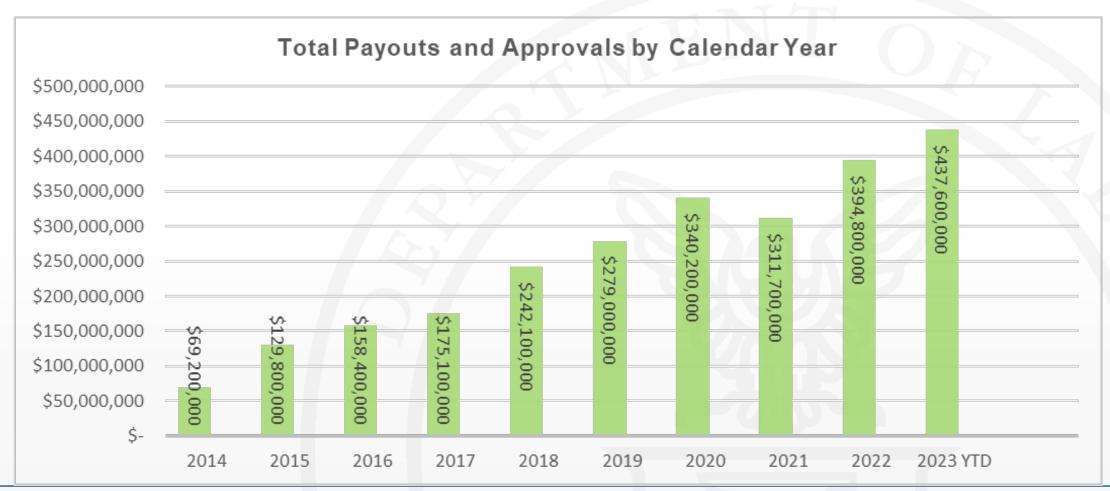








War Hazard Compensation Act Reimbursements





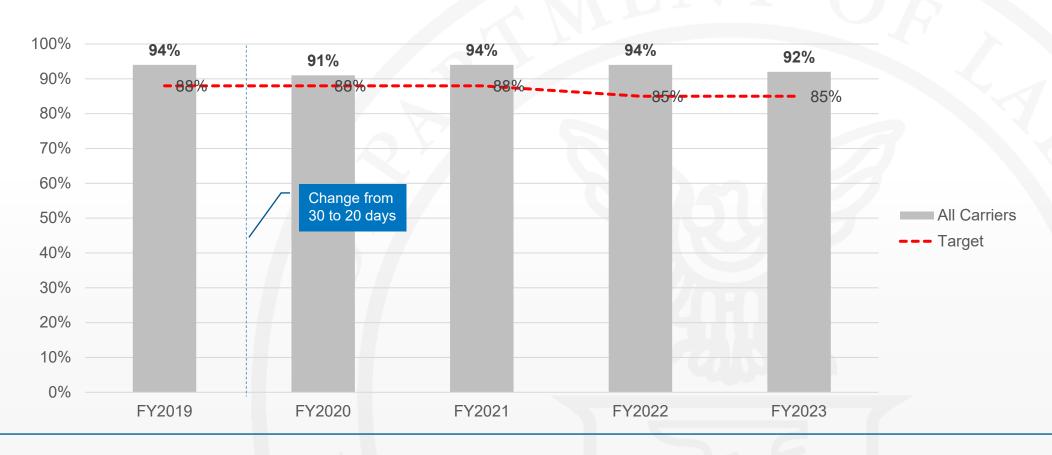
FY23 DBA Industry Performance

Measure	FY23 Result	FY23 Target
1st Report of Injury filed within 20 days for DBA cases	92%	85%

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





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
- <u>War Hazards Compensation Act Resources</u>
- Industry Notice No. 187 Defense Base Act (DBA) Waivers

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

Issue	OWCP's Stance			
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

	ENT			
Issue	OWCP's Stance			
FY23 to FY24 budget and outlook	Level or lessDevelopment freeze			
Creative Innovation	 Where we can innovate without development or utilize our in-house staff and current partnerships, we are, as always pushing forward. Where development is required or major projects such as ECOMP access for Employers/Carriers, the program plan has not changed, but the timeline has. 			



Settlements

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



8(i) Deficiency

Letter

New Language in

8(i) Approval

Letter

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 countemployment with the employer on or about
- That liability of the employer for compensation under the above cited Adinsured by
- 1. The parties desire to settle the claim on the following basis:

Lump sum of \$XXX for compensation

Lump sum of \$XXX for medical benefits

- 1. XX will receive \$XXX for fees and costs associated with this claim.
- The District Director, 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.

ORDER

Pursuant to Section 8(i) of the Longshore and Harbor Workers' Compensation Ac District Director having reviewed the agreement and stipulation by and betwee interested parties hereby approves the agreed settlement. This approval effects a disposition of the claim, discharging the liability of the employer and insurance carrier in accordance with the terms of the settlement. This approval is limited to the LHWCA claim described in the above findings of fact, and only resolves matters expressly within the jurisdiction of the Longshore Act. The employer and insurance carrier are hereby ordered to pay all amounts due.

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

DEPARTMENT OF LABOR

Office of Workers' Compensation **Programs**

20 CFR Part 702

RIN 1240-AA17

Longshore and Harbor Workers' Compensation Act: Civil Money **Penalties Procedures**

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Notice of proposed rulemaking;

request for comments.

SUMMARY: The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act and its extensions. To promote accountability

- 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.





Notice of Proposed Rulemaking

Longshore and Harbor Workers' Compensation Act: Civil Money Penalties Procedures

Antonio Rios, Director

Division of Federal Employees', Longshore and Harbor Workers' Compensation (DFELHWC)

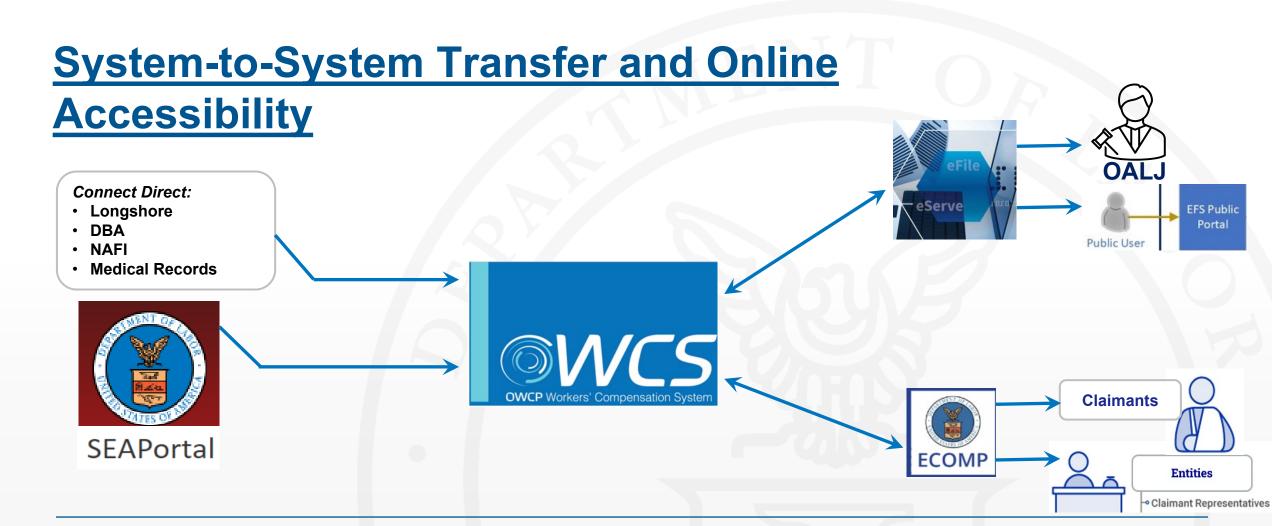
Modernization Status



Modernization Status (2020-2023):

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





ECOMP





ECOMP

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



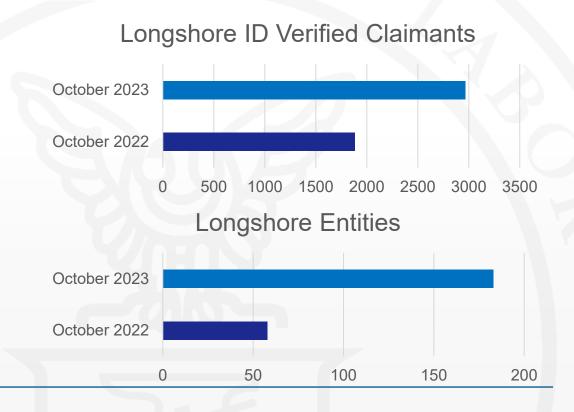
Welcome to ECOMP The Employees' Compensation Operations & Management Portal

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.



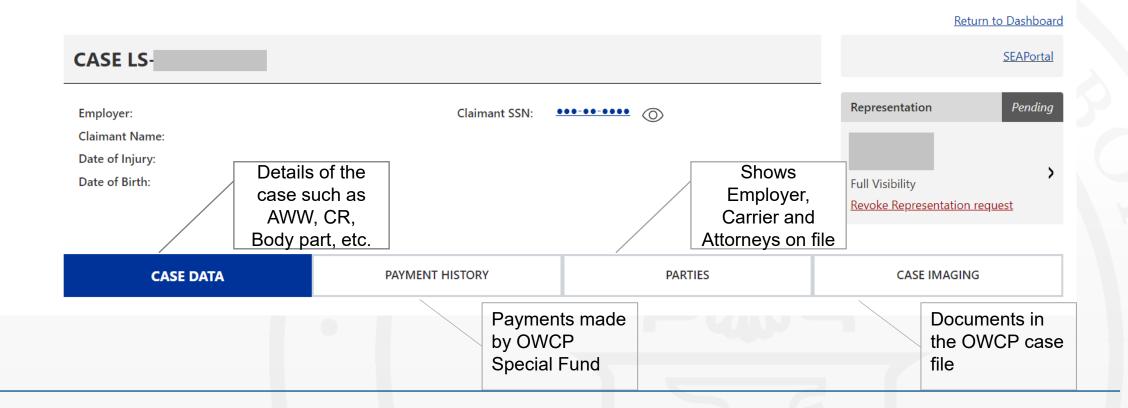


ECOMP – Claimant Experience UNITED STATES DEPARTMENT OF LABOR

MY DASHBOARD

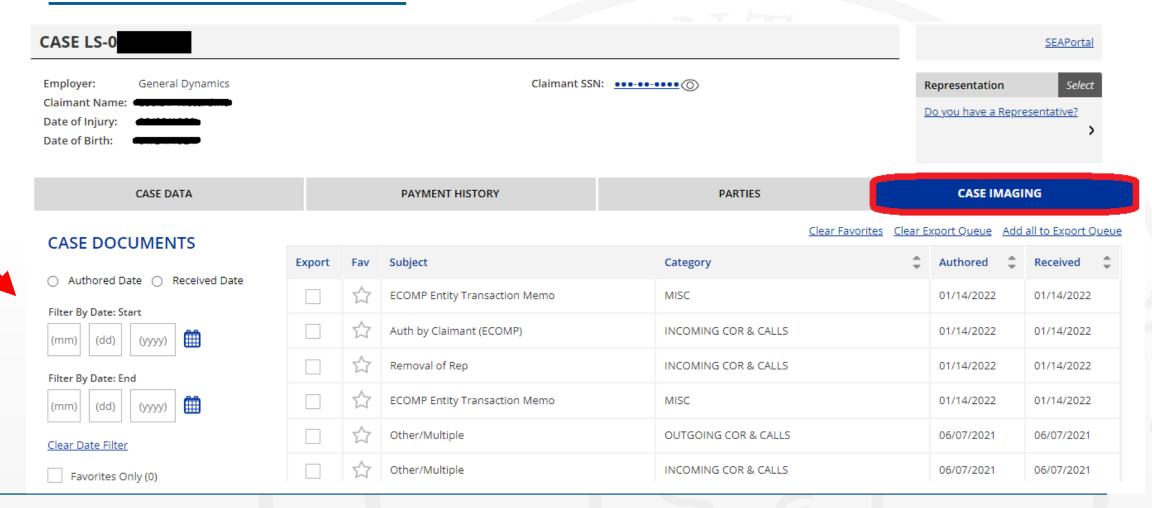
HELP

HOME / CASE REVIEW



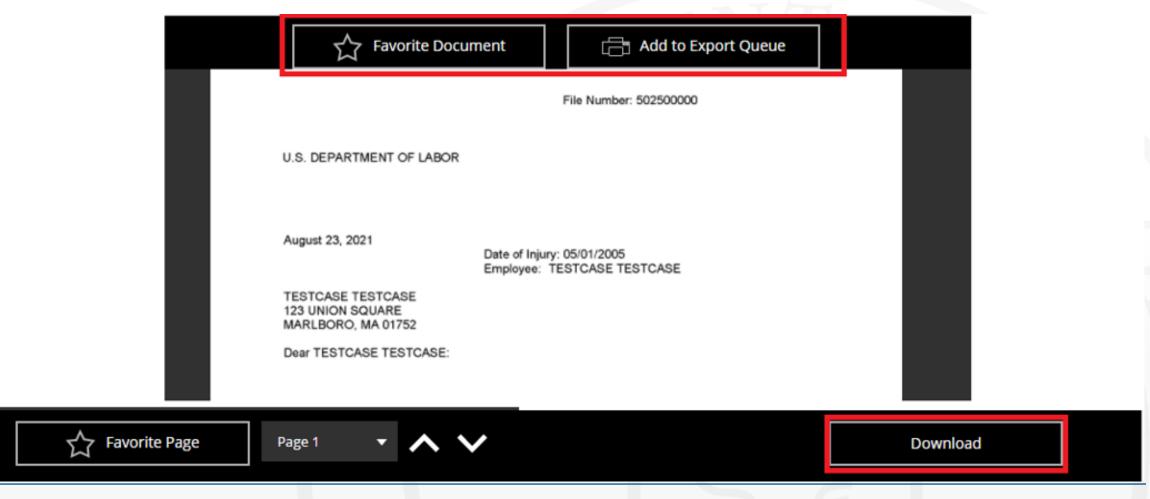


Case Documents





Case Documents





ECOMP – Entity Experience



https://owcp.industrypartners.dol.gov

HOME



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.

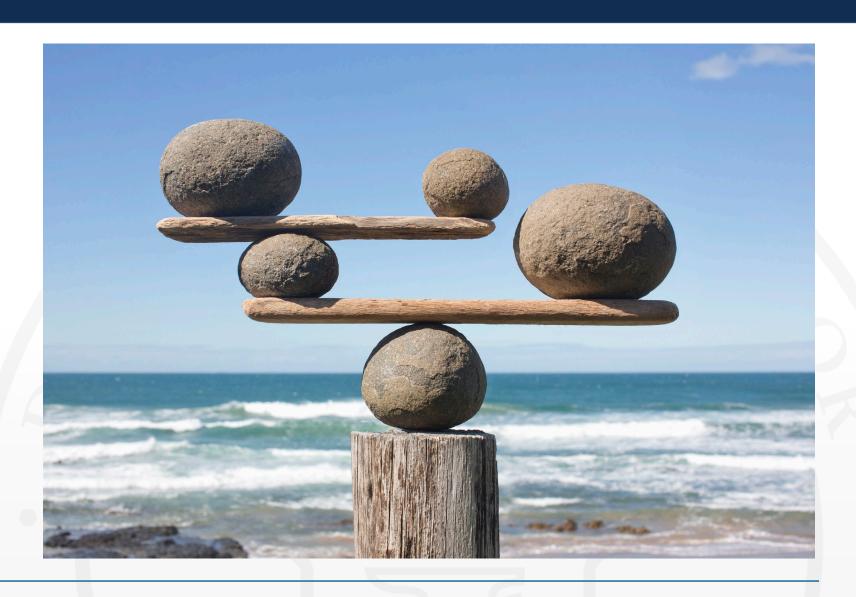
Entities

Register for an account or sign in to get started!

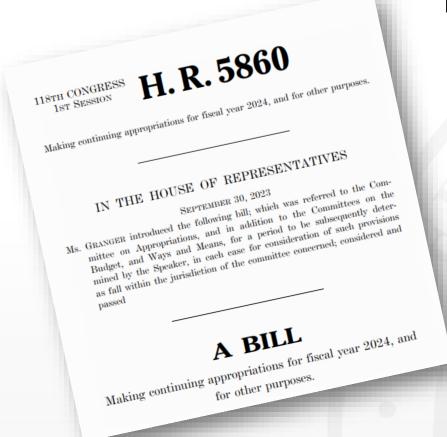
Sign In	
Email or Username	
Password	
	6



All Things Being Equal







November 17, 2023

C.R.

Stop-gap



...To be Continued...

Stephanie Brown, Deputy Director of Longshore Claims

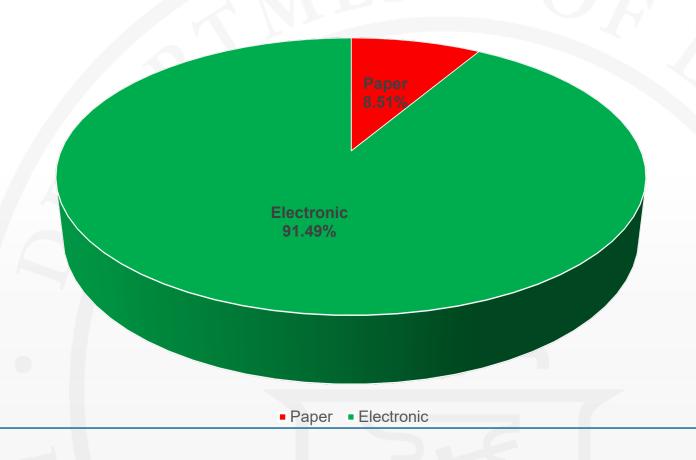
Division of Federal Employees', Longshore and Harbor Workers' Compensation (DFELHWC)

Online Resources



Electronic Submission of Documents

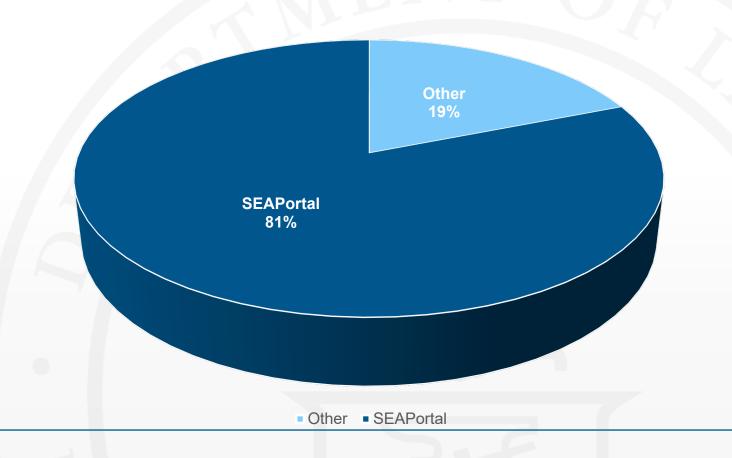
In FY2023 91.49% of Correspondence, Forms and other documents were submitted to DOL in Digital Format.





Importance of SEAPortal

Of those documents submitted electronically, 81% were submitted via SEAPortal.





Online Resources - SEAPortal

 Updated HELP menu with new resources

Submit New Claim or Report of Injury | Check Status | HELP



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

Instructional video – NEW!



UNITED STATES DEPARTMENT OF LABOR

Employer and Carrier tips:

LHWCA nationwide number:

(202) 513-6809







Copy of claim

If a case number already exists, submit through the "Uploading Documents to an existing case" section of SEAPortal.

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.

Settlement Approval Request Section 8(i)

U.S. Department of Labor

Office of Workers' Compensation Program



You must use this form to request approval of a settlement under Section 8(i) of the Longshore and Harbor Worker's Compensation Act and its Extensions. You must attach a fully executed 8(i) settlement agreement.

OMB No.: 1240-0058 Expires: 03/31/2026

Submit form and attachments to the OWCP/DLHWC Central Mail Receipt site by certified mail with return receipt requested or commercial delivery service with tracking capability 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 63A, Box 28

Or upload directly to the case file using the Secure Electronic Access Portal (SEAPortal)

Access the SEAPortal directly at: https://seaportal.dol.gov/portal/

You must include the following in the 8(i) settlement agreement: Brief summary of facts; Issues in dispute; Claimant's current work status; Medical reports describing injuries, impairment, and date of maximum medical improvement; Anticipated future medical treatment, the costs thereof, and medical paid in the last three years; Collateral sources for future medical treatment, if medical benefits are being settled; Explanation of why the settlement is adequate and not signed under duress; and Signatures of all parties.

The application must be self-sufficient when read on its own without any background information. See 20 C.E.R. 702.242, 702.243.

rne application must be sell-sulli	cieni when re	ad on its own without	any background inic	ormation. See	20 C.F.R 702.	242, 102.243.
Date of Accident/Illness:		2. Carrier's No.		3. OWCP No.		
Name of Injured Worker and C	laimant <i>if othe</i>	er than injured worker				
5. Claimant's Telephone Number	(required if c	laimant is not represe	nted by an attorney)			
6. Average Weekly Wage			7. Compensation Ra	n Rate		
Settlement Amount for Compensation (Provide the Case # and Amount for Each Case – up to 4 cases)						
9. Settlement Amount for Medical Treatment (Provide the Case # and Amount for Each Case – up to 4 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

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?