



January 17, 2023

**INDUSTRY NOTICE No. 195**

**TO: EMPLOYERS AND INSURANCE CARRIERS UNDER THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT (LHWCA), AND OTHER INTERESTED PERSONS**

**SUBJECT: 2023 increase of civil monetary penalties in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015**

**BACKGROUND:** The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust the levels of existing civil monetary penalties annually based on inflation. Industry Notice 158, issued on October 14, 2016, provides background on this required annual adjustment. On January 13, 2023, DOL published a [final rule](#), effective January 15, 2023, adjusting penalties for 2023. The rule makes small upward adjustments to the penalties assessed by the Office of Workers' Compensation Programs (OWCP) under the Longshore and Harbor Workers' Compensation Act.

**PURPOSE:** The purpose of this Notice is to outline the increased civil monetary penalties as of January 15, 2023.

Section 14(g) of the LHWCA: Failure to Report Termination of Payments

The penalty amount has increased from \$320 to **\$345**. C.F.R. § 702.236 now states:

Any employer failing to notify the district director that the final payment of compensation has been made as required by § 702.235 shall be assessed a civil penalty in the amount of **\$345** for any violation for which penalties are assessed after January 15, 2023. The district director has the authority and responsibility for assessing a civil penalty under this section.

Section 30(e) of the LHWCA: Penalty for Late Report of Injury or Death

The maximum penalty amount has increased from \$26,269 to **\$28,304**. 20 C.F.R. § 702.204 now states:

Any employer, insurance carrier, or self-insured employer who knowingly and willfully fails or refuses to send any report required by § 702.201, or who knowingly or willfully makes a false statement or misrepresentation in any report, shall be subject to a civil penalty not to exceed **\$28,304** for each such failure, refusal, false statement, or misrepresentation for which penalties are assessed after January 15, 2023. The district director has the authority and responsibility for assessing a civil penalty under this section.

Section 49 of the LHWCA: Discrimination Against Employees Who Bring Proceedings

The penalty amount has increased from a \$2,627 minimum and a \$13,132 maximum to a **\$2,830 minimum** and **\$14,149 maximum**. 20 C.F.R. § 702.271(a)(2) now states:

Any employer who violates this section, and has penalties assessed for such violation after January 15, 2023, shall be liable for a penalty of not less than **\$2,830** or more than **\$14,149** to be paid (by the employer alone, and not by a carrier) to the district director for deposit in the special fund described in section 44 of the Act, 33 U.S.C. 944; and shall restore the employee to his or her employment along with all wages lost due to the discrimination unless the employee has ceased to be qualified to perform the duties of employment.

When paying an assessed penalty, do not submit the check to the District Office. Submit the check to the OWCP/DFELHWC National Office in Washington, DC. The check should be made out to the U.S. Department of Labor. Please include the claimant's full name and case number on the check or include a copy of the penalty assessment letter.

U.S. Department of Labor  
OWCP/DFELHWC  
200 Constitution Ave., N.W.  
Room S-3229  
Washington, DC 20210

All questions concerning the assessment of penalties should be directed to the Compensation Districts.

ANTONIO RIOS  
Director,  
Division of Federal Employees, Longshore and Harbor Workers' Compensation