



July 7, 2004

File Number:

Industry Notice No. 117

NOTICE TO ALL REHABILITATION COUNSELORS
PROVIDING SERVICES UNDER THE LONGSHORE AND
HARBOR WORKERS' COMPENSATION ACT

Subject: Notice and Appeal Procedures for Vocational Rehabilitation Services Approved under the Longshore and Harbor Workers' Compensation Act.

The OWCP, Division of Longshore and Harbor Workers' Compensation, has adopted new requirements and procedures for vocational rehabilitation services provided under Section 39 of the Longshore and Harbor Workers' Compensation Act (LHWCA).

Vocational rehabilitation under the Act is voluntary. The Act and its implementing regulations do not establish a direct role for employers or carriers in the provision of vocational rehabilitation services. However, in certain circumstances, employers and their insurance carriers may be found liable for total disability compensation during a period when the injured worker is enrolled in vocational rehabilitation services. As a consequence of the employer's potential increased liability, the Benefits Review Board has held that the employer and carrier are entitled to notice and an opportunity to comment prior to implementation of a vocational rehabilitation award.

Therefore, before a proposed vocational rehabilitation award to a Longshore injured worker is approved and implemented, the Rehabilitation Counselor must send a Notice of Proposed Rehabilitation Plan and Award to the employer, the insurance carrier or its claims administrator, and to their attorneys, to notify them of the proposed plan and to allow them the opportunity to comment.

Attached is a copy of LHWCA Bulletin No. 04-03 of June 16, 2004, with background information and detailed instructions of the new program requirements. **These instructions only pertain to services provided under the Longshore and Harbor Workers' Compensation Act and its extensions, and do not apply to services provided under the Federal Employees' Compensation Act (FECA).**

Working for America's Workforce

Also attached is an acknowledgement of receipt of this notice,
to be signed and returned to the District Rehabilitation
Specialist.

A handwritten signature in black ink, appearing to read "Michael Niss", with a horizontal line extending to the right.

MICHAEL NISS
Director, Division of
Longshore and Harbor
Workers' Compensation

Attachments: (1) LHWCA Bulletin 04-03
 (2) Rehabilitation Counselor Acknowledgement