

January 2, 1975

No. 20



NOTICE TO INSURANCE CARRIERS, SELF-INSURED EMPLOYERS  
UNDER THE LONGSHOREMEN'S COMPENSATION ACT, AS EXTENDED, AND  
OTHER INTERESTED PERSONS

Subject: Penalties under Sections 14(g) and 30(e),  
Longshoremen's and Harbor Workers' Compensation  
Act

This notice is issued to inform interested parties of the Office of Workers' Compensation Programs' (OWCP) policy with regard to assessing penalties against employers or insurance carriers as provided by Sections 14(g) and 30(e) of the Longshoremen's and Harbor Workers' Compensation Act, and its various extensions.

The failure of many employers to submit reports of injuries or deaths timely, or of insurance carriers or self-insured employers to submit other reports as required by the Longshoremen's and Harbor Workers' Compensation Act and its extensions, including the District of Columbia Compensation Act, is detrimental to the interests of injured workers and their survivors and interferes with the effective administration of this law by the OWCP. We are therefore reminding you of the requirements of the law with respect to the timely filing of certain reports.

Section 30(a) of the Longshore Act requires an employer to send to the Secretary of Labor (or designee) a report of any injury or death covered by the law, or one of its extensions, within ten days from the date of the injury or death or from the date the employer has knowledge of a disease or infection relating to such injury. The requirement of this section is considered satisfied by sending the report to the Deputy Commissioner in the compensation district in which the injury or death occurred. Section 30(e) provides a civil penalty of up to \$500 against an employer who fails or refuses to send a report of injury or death in the prescribed manner, or who fails or refuses to send additional reports in respect of such injury and of the condition of an injured employee, as required by the Secretary of Labor or the Secretary's designee.

*Include your address, ZIP code, and file number on all correspondence*

To comply with the foregoing requirement, a report of injury (Form BEC-202 or LS-202a) must be sent by mailing it in a stamped envelope or delivering it by messenger to the office of the Deputy Commissioner in the compensation district in which the injury or death occurred. It is not required that the report actually be received by the Deputy Commissioner within ten days, provided the postmark indicates it was mailed within that period. Other reports indicated in the section, e.g., medical reports, whenever requested, must be submitted in a timely manner or whenever requested by the Deputy Commissioner.

Failure or refusal of an employer or insurance carrier in regard to the timely submission of the reports described in section 30 may be grounds for recommending a civil penalty under section 30(e), and the Deputy Commissioners have been advised by the OWCP's National Office to institute inquiries and, where indicated, to make recommendations that penalties be assessed under this section. Before a penalty is assessed, however, the employer or insurance carrier will be advised of the basis for a penalty and afforded an opportunity to explain the failure to comply with the provision of the Act. If the Deputy Commissioner finds that in his or her judgment a penalty should be assessed, the matter will be referred to the OWCP's National Office for appropriate action on the recommendation.

Section 14(g) provides that an employer/carrier shall, within sixteen days after final payment of compensation has been made, send to the Deputy Commissioner a notice, in accordance with a form prescribed by the Secretary (Form BEC-208), stating that such final payment has been made, the total amount of compensation paid, and other pertinent information described in the section. If the employer/carrier fails to notify the Deputy Commissioner within the prescribed time, the Secretary is authorized to assess against the delinquent employer/carrier a civil penalty in the amount of \$100. Deputy Commissioners have been advised to make appropriate inquiries with respect to the failure to submit such reports in a timely manner, and in appropriate situations, to recommend the assessment of a penalty as provided by this section.

It has been determined that a "final payment of compensation", for the purpose of consideration under section 14(g) shall be one of the following: the last payment made in accordance

with a compensation order awarding disability or death benefits, issued by either a Deputy Commissioner or Administrative Law Judge; the payment of an agreed settlement approved by a Deputy Commissioner under section 8(i)(A) or by the Secretary under section 8(i)(B); a lump sum payment of future compensation payments commuted under section 14(j); the last payment to be made pursuant to an agreement reached by the parties through informal proceedings approved in writing by an OWCP adjudicator or recommended in writing by an adjudicator and accepted by the parties; or a final payment to an alien or aliens under section 9(g) of the Longshore Act or section 2(b) of the Defense Base Act.

The procedure for considering the application of the penalty provision of section 14(g) is similar to that followed under section 30(e).

The cooperation of employers and insurance carriers in timely submitting the reports described in this notice will be of great benefit to injured workers and their survivors and will assist the OWCP in carrying out its responsibilities under the amended Longshoremen's and Harbor Workers' Compensation Act.



HERBERT A. DOYLE, JR.  
Director, Office of Workers'  
Compensation Programs