

EEOICPA MEMORANDUM

Date: January 15, 2002

To: District Offices

From: Branch of Policies, Regulations and Procedures

Re: Withdrawal of Claims

Subpart B Section 30.100(b) and Section 30.101(b) of the regulations note that claims for compensation may be withdrawn by an employee or survivor. The circumstances under which this may be done are as follows:

- 1) The request to withdraw a claim must be in writing
- 2) The request must be made before the claim is adjudicated.

Upon receipt of written notice of the intent to withdraw a claim prior to adjudication, the case file should be coded C1 (closed administratively - claim withdrawn by claimant) in the ECMS. Based on this closed status, any bills submitted will reject for payment. All paperwork and the case file should be retained.

The employee or survivor should be advised in writing of the closure of the case and the fact that no further action will currently be taken on the claim. If the claimant later desires to reopen the claim, he/she will be required to submit such a request in writing. Upon receipt of the request, the claims examiner will take further development action. A sample letter is attached.

Attachment

Dear :

Your written request to withdraw your claim has been received. As we received your withdrawal prior to a determination being made regarding your eligibility for benefits, your case has been closed. No further action will be taken in regard to your claim at this time. If you should later desire reopening of your case, please advise this office in writing. Upon receipt of a later request to reopen the claim, the claims examiner will take further development actions.

Should you have any questions, please contact me.

Sincerely,

Claims Examiner

SUPERSEDED