

Supervisors Delaying Injury Claims

Federal Workers' Compensation

Title 18 USC § 1922, US Code - Section. 1922: False or withheld report concerning Federal employee's compensation: Whoever, being an officer or employee of the United States charged with the responsibility for making the reports of the immediate superior specified by section 8120 of title 5, willfully fails, neglects, or refuses to make any of the reports, or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under subchapter I of chapter 81 of title 5 or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under that subchapter or any extension or application thereof, or regulations prescribed thereunder, shall be fined under this title or imprisoned not more than one year, or both.

Form CA-1 [Under Signature of Supervisor and Filing Instructions Sections]

38. A supervisor who knowingly certifies to any false statement, misrepresentation concealment of fact, etc. in respect of this claim may also be subject to appropriate felony criminal prosecution.

I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

[Under Supervisor Instructions]

As {At} the time the form is received, complete the receipt of notice of injury and give it to the employee. In addition to completing Items 17 through 39, the supervisor is responsible for obtaining the witness statement in Item 16 and for filling in the proper codes in shaded boxes a, b, and c on the front of the form. If medical expense or lost time is incurred or expected, the completed form should be sent to OWCP within 10 working days after it is received. The supervisor should also submit any other information or evidence pertinent to the merits of this claim. If the employing agency controverts COP, the employee should be notified and the reason for controversion explained to him or her.

Form CA-2 [Under Signature of Supervisor Sections]

35. A supervisor who knowingly certifies to any false statement, misrepresentation, concealment of fact, etc., in respect to this claim may also be subject to appropriate felony criminal prosecution.

I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exception:

[Under Receipt of Notice of Occupational Disease or Illness]

This acknowledges receipt of notice of disease or illness sustained by: (Name of injured employee). I was first notified about this condition on (Mo., Day, Yr.), At (Location)

Signature of Official Superior Title Date (Mo., Day, Yr.)

This receipt should be retained by the employee as a record that notice was filed.

[Under Supervisor (Or appropriate official in the employing agency) section]

At the time the form is received, complete the Receipt of Notice of Disease or Illness and give it to the employee. In addition to completing items 19 through 34, the supervisor is responsible for filling in the proper codes in shaded boxes a, b, and c on the front of the form. If medical expense or lost time is incurred or expected, the completed form must be sent to OWCP within ten working days after it is received. In a separate narrative statement attached to the form, the supervisor must: a) Describe in detail the work performed by the employee. c) Attach a record of the employee's absence from work caused by any similar disease or illness. Have the employee state the reason for each absence. Identify fumes, chemicals, or other irritants or situations that the employee was exposed to which allegedly caused the condition. State the nature, extent, and duration of the exposure, including hours per days and days per week, requested above. d) Attach statements from each co-worker who has first-hand knowledge about the employee's condition and its cause. (The co-workers should state how such knowledge was obtained.) b) Attach copies of all medical reports (including x-ray reports and laboratory data) on file for the employee. e) Review and comment on the accuracy of the employee's statement requested above. The supervisor should also submit any other information or evidence pertinent to the merits of this claim.

Ellis Clinic Fair & Compassionate Occupational & Legal Medicine™

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