



National Postal Mail Handlers Union

Paul V. Hogrogian
National President

Michael J. Hora
National Secretary-Treasurer

June Harris
Vice President
Central Region

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Lawrence B. Sapp
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Don J. Sneesby
Vice President
Western Region

January 13, 2022

To: Local Presidents
Regional Directors/Representatives
National Executive Board

From: Charles Manago, Contract Administration *CM*
Teresa Harmon, Manager, Contract Administration *TH*

Re: OWCP Claims for COVID-19

This week COVID-19 hospitalizations in the United States reached a record high surpassing the previous record from over a year ago. During the recent surge in COVID-19 infections caused by the Omicron variant the National Office has received a number of emails and phone calls from Officers and members regarding the impact of the American Rescue Plan Act (ARPA) and its remaining impact on employee FECA compensation.

On April 28, 2021, the U.S. Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP) Division of Federal Employees' Compensation (DFEC) published the Federal Employees' Compensation Act (FECA) Bulletin No. 21-09, Subject: Processing FECA Claims for COVID-19 under the American Rescue Plan Act of 2021.

FECA Bulletin No. 21-09 stated in part:

On March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law. This new legislation streamlines the process for federal workers diagnosed with COVID-19 to establish coverage under the FECA. Specifically, Section 4016 of the ARPA provides that a "covered employee" as defined below shall, with respect to any claim made by or on behalf of the covered employee for benefits under the FECA, be deemed to have an injury proximately caused by exposure to COVID-19 arising out of the nature of the covered employee's employment.

Under Section 4016 of the ARPA, the term "covered employee" means an individual:

- Who is an employee under Section 8101(1) of title 5, United States Code, employed in the Federal service at any time during the period beginning on January 27, 2020, and ending on January 27, 2023.
- Who is diagnosed with COVID-19 during such period; and
- Who, during a covered exposure period prior to such diagnosis, carries out duties that—
 - require contact with patients, members of the public, or co-workers; or
 - include a risk of exposure to the novel coronavirus.



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Previously, COVID-19 claims under the FECA were processed under the guidelines provided by FECA Bulletin No. 20-05 (released March 31, 2020) and FECA Bulletin No. 21-01 (released October 21, 2020). This Bulletin supersedes FECA Bulletins 20-05 and 21-01.

Section 4016 greatly relaxed the standards for federal employees to receive COP due to contracting COVID-19. Importantly, you are only required to establish that your duties included a risk of exposure to COVID-19. You no longer have to prove you were engaged in high-risk employment, that you were actually exposed to the virus; or that you were exposed to someone who had the virus while performing your duties. Also, if you establish that you are a “covered employee” (see above), any diagnosed COVID-19 will be deemed to have been proximately caused by your Federal employment. Meaning you no longer have to establish a causal link between your employment and your COVID-19 diagnosis.

WHAT IS NEEDED FROM YOU?

If you file a claim requesting COP due to contracting COVID-19, two pieces of information/ documents should be provided along with your CA-1:

- 1) Evidence of being at work within 21 days of showing symptoms or a positive test, i.e., clock rings; and
- 2) Acceptable evidence of a COVID-19 diagnosis.

FECA Bulletin 21-09 describes what OWCP will accept as a diagnosis of COVID-19:

- a. A positive Polymerase Chain Reaction (PCR) COVID-19 test result; or
- b. A positive Antibody or Antigen COVID-19 test result, together with contemporaneous medical evidence that the claimant had documented symptoms of and/or was treated for COVID-19 by a physician (a notice to quarantine is not sufficient if there was no evidence of illness); or
- c. If no positive laboratory test is available, a COVID-19 diagnosis from a physician together with rationalized medical opinion supporting the diagnosis and an explanation as to why a positive test result is not available.

In certain rare instances, a physician may provide a rationalized opinion with supporting factual and medical background as to why the employee has a diagnosis of COVID-19 notwithstanding a negative or series of negative COVID-19 test results.

Medical reports from nurses or physician assistants are acceptable if a licensed physician cosigns the report.

The process for requesting and filing a claim for a traumatic injury remain the same. It is the employee’s responsibility to request the CA-1 within 30 days of showing symptoms of a positive test. Access to COP for contracting COVID-19 is your right under ARPA. Do not let management convince you otherwise. Keep in mind that, even if you are asymptomatic or



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have light symptoms, we do not know if there will be long term effects for contracting COVID-19. Protect yourself by filing a CA-1 as you would any other injury.

Additional information can be found at the following links:

<https://www.dol.gov/agencies/owcp/FECA/regs/compliance/DFECfolio/FECABulletins/FY2020-2024#FECAB2005>

<https://www.dol.gov/agencies/owcp/FECA/regs/compliance/DFECfolio/FECABulletins/FY2020-2024#FECAB2109>

<https://www.dol.gov/agencies/owcp/FECA/InfoFECACoverageCoronavirus>

<https://www.dol.gov/sites/dolgov/files/OWCP/feca/COVID-CA-1.mp4>

Did you hear it's Easier to File a FECA Claim for COVID-19 now?

The American Rescue Plan Act of 2021 that President Biden signed on March 11, 2021, makes it **much easier** for federal workers diagnosed with COVID-19 to establish coverage under the Federal Employees' Compensation Act. To establish a COVID-19 claim, you simply need to establish that you are a "covered employee," meaning that:

- 1. You were diagnosed with COVID-19.** Specifically, you were diagnosed with COVID-19 while employed in the Federal service at any time during the period of January 27, 2020 to January 27, 2023; and,
- 2. Your duties include any risk of exposure.** Specifically, within **21** days of your diagnosis of COVID-19, you carried out duties that—
 - a. required contact with patients, members of the public, or co-workers; or
 - b. included a risk of exposure to the novel coronavirus.



What Does the Change in the Law Mean?

- 1. You are only required to establish that your duties included a risk of exposure to COVID-19.** You do not have to prove you were engaged in high-risk employment; that you were actually exposed to the virus; or that you were exposed to someone who had the virus while performing your duties.
- 2. If you establish that you are a "covered employee," any diagnosed COVID-19 will be deemed to have been proximately caused by your Federal employment.** You no longer have to establish a causal link between your employment and your COVID-19 diagnosis.



What to Do:

You can quickly and easily file a **CA-1** Claim for COVID-19 through the Employees' Compensation Operations and Management Portal (ECOMP). You can access ECOMP at ecomp.dol.gov. If you have never used ECOMP, you can [view this instructional video](#) to learn how to register for an ECOMP account, [and this video](#) to learn how to file a COVID-19 claim. If you don't have access to a computer, contact your supervisor.



Why File Now? What if I Think I Am OK?

If you were previously diagnosed with COVID-19 or even if you believe you just have a mild case of COVID-19, you should consider filing a COVID-19 FECA claim **now** even if you have fully recovered and/or had an asymptomatic infection.

- In the event you develop a consequential injury, impairment or illness later as a result of your COVID-19 diagnosis, timely filing your claim **now** will facilitate the processing of any future claim for any such consequential condition or impairment.
- If you wait until you experience a consequential injury or illness to file your COVID-19 claim, your claim may be subject to time limitation and you will have to establish **both** the initial COVID-19 claim and the consequential condition claim before benefits can begin.

