

STATE OF WEST VIRGINIA  
THE ADJUTANT GENERAL' S DEPAR'IMENT  
CHARLES'TON, WEST VIRGINIA 25311- 1085

WV Technician Persorme1 Regulation  
Number 810-1

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Injury Compensation

WEST VIRGINIA NATIONAL GUARD  
WORKERS' COMPENSATION

This regulation establishes the procedures and provides information on the Office of Workers' Compensation Program benefits (G\ICP) for job-related injuries or illness. It is applicable to both excepted and competitive military technicians of the West Virginia National Guard.

CHAPTER 1

GENERAL

1-1. PURPOSE. This regulation outlines responsibilities, establishes procedures and provides information regarding the reporting of an occupational injury or illness. It will be used in filing compensation claims thus providing a simple guide reference designed to accommodate most injury situations.

1-2. POLICY. It is the policy of the West Virginia National Guard that all injuries be reported thereby establishing entitlements to immediate and possible future medical needs.

1-3. DEFINITIOOS.

a. Traumatic Injury. An injury identifiable at a specific place and time during the performance of duty.

b. Continuation-of-Pay. An entitlement to continuation of regular pay for a period not to exceed 45 calendar days following a job related traumatic injury.

c. Recurrence. An aggravation or recurring pain when the same injury causes additional time loss from the job. Note: There is no single event, action or apparent reason for the pain except the previous injury.

d. Occupational disease. Produced by systemic infections, continued or repeated stress or strain, exposures to toxins, poison fumes, noise, etc., in the work environment over a longer period of time

e. Compensation Specialist. The individual in the Support Personnel Management office designated to monitor claims, answer routine questions, and manage the claims process.

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f. Office of Workers Compensation Program (OWCP). The agency charged with the overall administration of the program.

## RESPONSIBILITIES

### 2-1. EMPLOYEE :

a. When a military technician sustains a traumatic injury, during the performance of duty, he/she, or someone acting on their behalf, must give a written report on Form CA-1 {Federal Employee's Notice of Traumatic Injury and Claim for Continuation-of-Pay/Compensation) to the injured person's *supervisor* within two working days following the injury. The injured military technician must also show on the CA-1, Item 15, whether they wish to receive the entitlement of Continuation-of-Pay (COP) for tile *period of disability* or elect sick or annual leave for the *period of disability*. If CA-1 is not filed within 30 days from tile date-of-injury (DOI), entitlement to Continuation-of-Pay (COP) is voided.

b. Upon reporting the injury, the military technician will be authorized to obtain medical treatment if required. Further, the military technician must ask the treating physician the earliest date he/she may be able to return to work. All related medical bills must be submitted in a timely manner to tile Compensation Specialist using an OWCP Form 1500 (the Health Insurance Claim Form).

c. A Form CA-17 (Duty Status Report) will be used to obtain interim medical reports concerning tile military technician's duty status. The frequency of use will be determined by the supervisor. If, during the 45-day Continuation-of-Pay (COP) period, the treating physician indicates tile military technician is able to return to work but he/she refuses to do so, the agency should terminate COP and notify OWCP immediately.

d. If medical evidence shows the disability *is* expected to continue beyond 45 days and compensation, is desired after expiration of the period, Form CA-7 (Claim for Compensation on Account of Traumatic Injury or Occupational Disease) must be completed and filed on the fortieth (40th) day, five working days before, or as soon as it is apparent that you are disabled and will enter leave-without-pay (IWOP) status.

e. Non-traumatic, occupational disease, injury requires the military technician submit Form CA-2 (Federal Employee's Notice of Occupational Disease and Claim for Compensation). Notices and claims are to be filed with the military technician's supervisor who will submit tile notice and claim to the compensation specialist. The person claiming benefits must thereafter submit any other reports and proof that OWCP may require. COP is not authorized for this type of injury.

2-2. SUPERVISOR :

a. Upon receiving notice that a military technician has sustained a job-related traumatic injury, the supervisor will promptly authorize medical care if appropriate. The following steps are provided as guidance when an injury occurs.

(1) Provide the military technician with Form CA-1 for reporting the injury.

(2) Issue Form CA-16 (Claim for Examination and/or Treatment), or CA-20 (Attending Physician's Report) if treatment is delayed, for any job related injury which may require medical treatment.

(3) Advise the military technician of their entitlement to continuation of regular pay, or use annual, sick, compensatory, or leave-without-pay, if the injury is disabling.

(4) Inform the military technician whether Continuation-of-Pay will be controverted and the basis for this action.

(5) Submit Form CA-1, fully completed and signed, with all other pertinent information to the compensation specialist (SPMO) within two working days from the date of the injury.

b. On occupational disease cases, the supervisor must provide the military technician with Form CA-2 for reporting, and advise him/her to furnish supporting medical and factual information with the CA-2. The military technician should also be advised regarding the right to use sick, annual, compensatory, or leave-without-pay, pending adjudication.

### CHAPTER 3

#### PROGRAM INFORMATION

1. MEDICAL CARE. An injured military technician is entitled to first-aid and medical care for an injury; this includes hospital care when needed. The medical care is to be provided by a United States medical officer or hospital, or any duly qualified local physician or hospital of the military technician's choice. The term "physician" includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, and optometrists. The term "physician" includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist, and subject to regulation by the Secretary of labor, and within the scope of their practice as defined by State Law.

2. CONTINUATION OF PAY - TRAUMATIC INJURY. A military technician who sustains a disabling, job-related traumatic injury is entitled to continuation of regular pay for a period not to exceed 45 calendar days, however, in no event shall this be constructed as requiring continuation of a person's employment beyond the date it would have terminated had the military technician not become injured.

3. TERMINATION OF INJURY (RETURN TO DUTY STATUS).

In all cases reported to the CWCP the supervisor is required to notify the compensation specialist when the injured military technician returns to work or when his/her disability ceases. Form CA-3, "Report of Termination of Disability and/or Payment," is used for this purpose.

4. LIGHT DUTY. When a military technician has partially recovered from a compensable disability, the supervisor must make every effort toward assigning the military technician to light duty consistent with the military technician's medically defined work limitations.

FOR THE GOVERNOR:

JOHN A. WILSON, III

Major General, WVANG

The Adjutant General

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1. Process Flow Chart
2. OWCP Chart 1
3. OWCP Chart 2
4. OWCP Chart 3
5. OWCP Chart 4
6. OWCP Chart 5