

United States Department of Labor

Office of Workers' Compensation Programs

Division of Federal Employees' Compensation (DFEC)

Claims under the Federal Employees' Compensation Act due to the 2019 Novel Coronavirus (COVID-19)

The pandemic caused by the COVID-19 viral disease is impacting how we live and work across the country, and around the world. The U.S. Department of Labor (DOL) is committed to providing support to Federal employees during this difficult time.

All federal employees who develop COVID-19 while in the performance of their federal duties are entitled to workers' compensation coverage pursuant to the Federal Employees' Compensation Act (FECA). See <https://www.dol.gov/owcp/dfec/>.

DOL acknowledges, however, that it is difficult to determine the precise moment and method of virus transmission. Therefore, when an employee claims FECA benefits due to COVID-19, federal workers who are required to have in-person and close proximity interactions with the public on a frequent basis - such as members of law enforcement, first responders, and front-line medical and public health personnel - will be considered to be in high-risk employment, thereby triggering the application of Chapter 2-0805-6 of the FECA Procedure Manual. In such cases, there is an implicit recognition that a higher likelihood exists of infection due to high-risk employment. Federal workers in such positions routinely encounter situations that may lead to infection by contact with sneezes, droplet infection, bodily secretions, and surfaces on which the COVID-19 virus may reside. Therefore, the employment-related incidence of COVID-19 is more likely to occur among members of law enforcement, first responders and front-line medical and public health personnel, and among those whose employment causes them to come into direct and frequent in-person and close proximity contact with the public.

Accordingly, DOL has created new [procedures](#) to specifically address COVID-19 claims. Employees filing a claim for workers' compensation coverage as a result of COVID-19 should file **Form CA-1, Notice of Traumatic Injury** through your employer using the [Employees' Compensation Operations & Management Portal](#). The new procedures will also call the adjudicator's attention to the type of employment held by the employee, rather than burdening the employee with identifying the exact day or time they contracted the novel coronavirus.

- If a COVID-19 claim is filed by a person in high-risk employment, the Office of Workers' Compensation Programs (OWCP) DFEC will accept that the exposure to COVID-19 was proximately caused by the nature of the employment. If the employer supports the claim and that the exposure occurred, and the CA-1 is filed within 30 days, the employee is eligible to receive Continuation of Pay for up to 45 days.
- If a COVID-19 claim is filed by a person whose position is not considered high-risk, OWCP DFEC will require the claimant to provide a factual statement and any available evidence concerning exposure. The employing agency will also be expected to provide OWCP DFEC with any information they have regarding the alleged exposure, and to indicate whether they are supporting or controverting the claim. If the employer supports the claim and that the exposure occurred, and the CA-1 is filed within 30 days, the employee is eligible to receive Continuation of Pay for up to 45 days.

OWCP DFEC has also created a COVID-19 Task Force to support claims examiners and assist with all COVID-19 FECA claims. This task force will provide assistance to claims staff, employing agencies, and the general public in advising on evidence needed and will answer any questions from claimants about the process and legal requirements. The team will work to ensure cases are handled with compassion, and adjudicated fairly and consistently.

The key evidence needed for a **COVID-19 FECA CLAIM as required by the law are the following:**

Exposure – Federal employees who are required to interact with the public or front-line medical and public health personnel are considered to be in high-risk employment, thus triggering the application of Chapter 2-0805-6 of the FECA Procedure Manual. In such cases, there is an implicit recognition of a higher likelihood of infection; OWCP will confirm the nature of your employment based on your position title and after confirming with your employer that your position is indeed considered high risk. If your position has not been identified as a high-risk position, you will be asked to provide any evidence of the duration and length of your occupational exposure. This evidence may include information such as a description of job duties, which federal agency you worked for, and the location of the work. OWCP will ask your employing agency to provide information about occupational exposure including relevant agency records.

Medical – You will need to provide medical evidence establishing a diagnosis of COVID-19. You will also need to provide medical evidence establishing that the diagnosed COVID-19 was aggravated, accelerated, precipitated, or directly caused by your work-related activities. Please submit the results of any COVID-19 testing, if available. If you have encountered difficulty in obtaining such testing, OWCP will authorize such testing if you are working in high-risk employment or otherwise have a confirmed COVID-19 employment exposure.

Establishing causal relationship generally requires a qualified physician's opinion, based on a reasonable degree of medical certainty, that the diagnosed condition is causally related to your employment conditions. This opinion must be based on a complete factual and medical background.

For your health and safety as well as the health of those around you, consider an appointment with your physician by videoconference or teleconference. A medical report generated as the result of such an appointment is compensable as long as it is signed by a physician.

OWCP will also assist by asking your employing agency for any pertinent medical information in their records.

Filing a FECA Claim:

You can file a FECA claim through your employing agency. Further assistance can also be obtained by contacting our COVID-19 FECA Task Force at DFEC-Coronavirus@dol.gov.

Frequently Asked Questions:

Q: I am a federal employee and believe I contracted COVID-19 as the result of a *work-related exposure* or I am a supervisor and my employee informed me that they believe they have contracted COVID-19 as the result of a *work-related exposure*. What should I do?

A: If an employee believes they have contracted COVID-19 as the result of a work-related exposure, at this time they should [complete Form CA-1](#) for traumatic injury (if Form CA-2 for an occupational disease is filed, it too will be developed and adjudicated).

The employee should submit factual evidence concerning exposure, including whether they work in high-risk employment as described above as well as supporting medical evidence. The employing agency will be expected to provide OWCP with any information they have concerning the alleged exposure and to indicate whether they are supporting or controverting the claim. If the employer supports the claim and that the exposure occurred, and the CA-1 is filed within 30 days, the employee is eligible to receive Continuation of Pay for up to 45 days.

OWCP will then develop the claim and review the evidence provided by the employee and employer concerning work-related exposure and a COVID-19 diagnosis. Should the claim be accepted for COVID-19, the injured worker is entitled to receive all medical services, appliances, or supplies which a qualified physician prescribes or recommends and which OWCP considers necessary to treat the work-related injury.

Q: I am a federal employee who does not work in high-risk employment and believe I was exposed to COVID-19 in the performance of my job duties. What specific documentation would be helpful in establishing that the exposure occurred as alleged?

A: You should provide a detailed statement that explains

- The nature of your employment (front-line medical/public health personnel or how your employment brings you into contact with the virus),
- How you were exposed to the virus;
- When the exposure most likely occurred;
- How long and how frequent you were exposed; and
- Where and why the exposure occurred.

You should also explain if other individuals were exposed. You should provide a timeline of activities in the days prior to your exposure or the onset of your symptoms. Your employing agency will be required to provide similar documentation, such as comments from a knowledgeable supervisor on the accuracy of your statements, whether the agency concurs, and if possible, the confirmation of an actual positive COVID-19 test result.

Q: I was diagnosed with COVID-19. How does OWCP determine whether I sustained my injury in the performance of duty?

A: If the exposure arose out of and in the course of employment, it is generally said to have occurred in the performance of duty. The facts in your case must show an employment factor or requirement gave rise to the resulting COVID-19 diagnosis. The incident/exposure must be directly related to some aspect or circumstance of your employment. You will also need a medical report from a qualified physician reflecting that the positive COVID-19 diagnosis resulted from a work-related exposure while in the performance of your duties.

Q: Is exposure to COVID-19 while traveling to and from the workplace considered to be "in the performance of duty"?

A: Generally, injuries that occur while commuting (going to or coming from work) are not compensable by the federal government, as they do not arise out of and in the course of employment. A few limited exceptions exist, such as where the employment requires the employee to travel, and where the employer contracts for and furnishes the transportation to and from work.

Q: Am I eligible for FECA coverage if I contract COVID-19 due to exposure while working abroad?

A: Yes, if the evidence establishes that the COVID-19 exposure occurred while performing assigned duties or the exposure was reasonably incidental to employment-related travel. You and your agency would be expected to describe in detail the travel and potential exposure. You need a positive COVID-19 test result and a medical report from a qualified physician reflecting that the positive COVID-19 diagnosis resulted from a work-related exposure while in the performance of your duties.

Q: Does OWCP pay for COVID-19 diagnostic testing?

A: Prior to accepting a case, OWCP will only pay for the test if a claimant was exposed to a person with a confirmed diagnosis of COVID-19 in the performance of duty or if the claimant worked in high-risk employment. If the case is accepted, OWCP will pay for the test through a

reimbursement. OWCP will not pay for the test if the case is not accepted, but there may be a number of other avenues where cost for testing will be paid. We will make every effort to assist claimants in locating those avenues.

Q: I am a federal employee and while on vacation/leave I believe I was exposed to a person with COVID-19. If I am tested and receive a positive diagnosis for COVID-19, do I have a compensable FECA claim?

A: No. The exposure to COVID-19 must have occurred in the performance of your duty. You need to have been performing your duties as a federal employee when the exposure occurred.