

U.S. OFFICE OF PERSONNEL MANAGEMENT OFFICE OF THE INSPECTOR GENERAL OFFICE OF EVALUATIONS AND INSPECTIONS

Final Evaluation Report

EVALUATION OF THE U.S. OFFICE OF PERSONNEL MANAGEMENT'S OVERSIGHT OF THE FEDERAL WORKERS' COMPENSATION PROGRAM

Report Number 4K-RS-00-15-050

March 29, 2016

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EXECUTIVE SUMMARY

Evaluation of the U.S. Office of Personnel Management's Oversight of the Federal Workers' Compensation Program

Report No. 4K RS 00 15 050 March 29, 2016

Why Did We Conduct the Evaluation?

This evaluation was conducted to address concerns raised by the Inspector General and Deputy Inspector General regarding the U.S. Office of Personnel Management's (OPM) Workers' Compensation Program.

The objective of our evaluation was to examine OPM's Employee Services' overall oversight of the Federal Employee Compensation Act (FECA) cases and determine whether they are in compliance with the U.S. Department of Labor (DOL) guidelines to prevent fraudulent claims, wasted funds and abuse, and the efficiency of the program.

What Did We Find?

We determined that Employee Services needs to improve the maintenance of their FECA case files. FECA case files did not always contain copies of relevant documentation relating to the personnel specialists' periodic monitoring of the compensation claim. Specially, we found:

- Four FECA cases files did not have DOL Form CA-1, Federal Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation or CA-2(a), Notice of Recurrence on file.
- A lack of documentation in seven of the FECA case files indicated periods of at least one year where OPM personnel specialists apparently had no contact with the injured employees or DOL's Office of Workers' Compensation Programs.
- Two FECA case files did not contain the injured employee's current medical documentation.
- Case files lacked a systematic order, making it difficult to locate all documents relevant to the compensation claim.

We also found that Employee Services was not providing program office managers with their total compensation chargeback costs until the end of the fiscal year. Further, these chargeback reports lacked the detailed information associated with those costs.

Additionally, OPM's long-term FECA cases may be vulnerable to possible fraudulent payments. During our evaluation, we identified 15 FECA cases where either the injured employee or the surviving family member had been receiving FECA payments with very limited verification of continued eligibility.

William W. Scot Dr.

William W. Scott, Jr.
Chief, Office of Evaluations and
Inspections

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REPORT FRAUD, WASTE, AND MISMANAGEMENT

ABBREVIATIONS

DOD Department of Defense DOL Department of Labor

FECA Federal Employees' Compensation Act

FY Fiscal Year

NFR Notice of Findings and Recommendations
OCFO Office of the Chief Financial Officer
OIG Office of the Inspector General

OPM U.S. Office of Personnel Management

OWCP Office of Workers' Compensation Programs

INTRODUCTION

This report details the results from our evaluation of the U.S. Office of Personnel Management's (OPM) Oversight of its Federal Workers' Compensation Program. This evaluation was conducted by OPM's Office of the Inspector General (OIG), as authorized by the Inspector General Act of 1978, as amended.

The Federal Employees' Compensation Act (FECA) is a workers' compensation program that provides Federal employees' medical benefits, income subsidies and certain support services in the event of a work-related injury or illness, as well as benefits to surviving family members in the event of a work-related death.¹ The U.S. Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP) administers the FECA program and the cost of benefits are ultimately paid by the claimant's employing agency.² All Federal agencies, including OPM have oversight and financial responsibilities for their respective FECA cases to include:

- 1) Ensuring that sufficient training in technical and managerial skills is given to OPM's staff who routinely handle compensation claims and that resource materials are available to those employees who handle them less frequently;
- 2) Establishing a record-keeping system that enables the OPM to maintain copies of documents and materials related to each compensation claim in an orderly fashion;
- 3) Designating a representative to act as a liaison with OWCP concerning unusually difficult claims;
- 4) Ensuring that the facts surrounding each injury are adequately investigated at the time of injury;
- 5) Obtaining medical information, in accordance with OWCP and OPM regulations, from OWCP or injured employees as often as necessary to assess potential return to regular, light or limited duty;
- 6) Maintaining contact with injured employees while they are receiving compensation to identify jobs suitable for them and take steps to reemploy recovered or recovering employees as soon as the medical evidence shows this is possible; and,
- 7) Monitoring the FECA benefit costs paid back by the agency to DOL and charging the lowest organizational level practicable to make managers more aware of these costs.

OPM's Workers' Compensation Program Activities

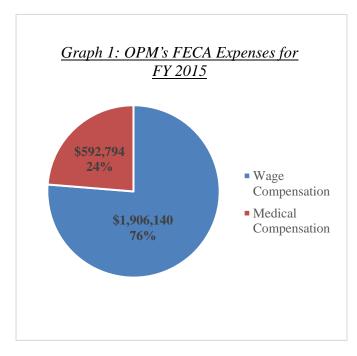
OPM's Employee Services has overall agency-wide responsibility for the management and administration of the agency's Workers' Compensation Program. Employee Services' personnel

¹ Department of Labor, Office of Workers' Compensation Programs, *Division of Federal Employees' Compensation (DFEC)*, http://www.dol.gov/owcp/dfec/about.htm, retrieved on April 15, 2015.

² Scott Szymendera, The *Federal Employees' Compensation Act (FECA): Workers' Compensation for Federal Employees*, Congressional Research Service, report prepared for Members and Committees of Congress, June 4, 2013, p. 1, http://fas.org/sgp/crs/misc/R42107.pdf, retrieved on April 16, 2015.

specialists receive training from DOL, as well as on-the-job training in handling FECA claims. They act as a liaison between OWCP, the OPM employee, their supervisor, and their medical providers, ensuring FECA cases are adequately investigated at the time of injury and initiating action when a case warrants an individual investigation.

Employee Services' personnel specialists' primary responsibility is to reemploy recovered or recovering injured employees based on current medical evidence. They maintain FECA cases files to monitor all periods of the injured employee's absence from work to make sure these absences are supported by adequate medical documentation. They are also responsible for monitoring compensation costs, which OPM ultimately pays back to DOL through the annual chargeback process. The chargeback process is the mechanism by which the costs of compensation for work-related injuries and deaths are assigned to employing agencies annually at the end of the OWCP fiscal accounting period, July 1 to June 30.



During Fiscal Year (FY) 2015, OPM's FECA cases incurred expenses in excess of \$2.49 million for 153 work-related injuries, diseases and deaths. This cost included compensation for medical expenses and wage loss (see Graph 1). While only 31 percent (47) of OPM's FECA cases received wage compensation, they account for 76 percent of the agency's chargeback costs. Out of the 47 wage compensation cases, we found that 40 have a date of injury that is three years or older.³ The majority of these injured OPM employees have no potential to return to work due to their age and the duration of their disability or the severity of their medical condition.

In 2012, Employee Services adopted a more aggressive approach to return injured employees to work in a timely manner. To assist with this approach, they developed an internal tracking system for new FECA cases to enhance the monitoring of injured employees' status for work. As a result of their efforts, only five injured employees with a date of injury after 2012 are still receiving wage compensation.

³ This information was obtained from the final FY 2015 Chargeback Report and the 2015 DOL Chargeback Letter sent to OPM's Office of the Chief Financial Officer.

RESULTS OF EVALUATION

1. Maintenance of FECA Cases Files

According to DOL's *Injury Compensation for Federal Employees, Publication CA-810*, OPM's responsibilities for FECA oversight include establishing a record-keeping system which will enable OPM to maintain copies of documents and materials related to each compensation claim in an orderly fashion. These documents include medical reports, copies of letters and decisions, as well as any other material which is part of the case file, regardless of its source. Furthermore, OPM's *Human Resource Handbook* (Handbook) states personnel specialists will monitor all periods of absence to make sure they are medically supported and accurately documented.

DOL's *Injury Compensation for Federal Employees*, *Publication CA-810* also requires OPM to maintain contact with injured employees, while they are receiving compensation to identify jobs suitable for them, and take steps to reemploy recovered or recovering employees as soon as the medical evidence shows that this is possible. For record-keeping and monitoring purposes, FECA files should reflect the steps personnel specialists take to return injured employees back to work.

During our evaluation, we conducted a file review of all 44 FECA case files that received wage compensation in FY 2015 and had a date of injury older than a year as of March 2015. We found that the case files did not always contain copies of relevant documentation relating to the personnel specialists' periodic monitoring of the compensation claim. Specifically:

- Four FECA cases files did not have DOL Form CA-1, Federal Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation or CA-2(a), Notice of Recurrence on file.
- A lack of documentation in seven of the FECA case files indicated periods of at least one
 year where personnel specialists apparently had no contact with the injured employees or
 OWCP.
- Two FECA case files did not contain the injured employee's current medical documentation.
- FECA case files lacked a systematic order of documents within the files, making it difficult to locate all documents relevant to the compensation claim.

We also found that Employee Services lacks policies and procedures for maintaining FECA cases files in an orderly fashion that ensures the files include (1) copies of all documentation related to the compensation claim; and, (2) evidence of contact with the injured employee or reflecting periodic monitoring.

Additionally, personnel specialists stated that some of OPM's older FECA cases where the employee is still receiving compensation were cases inherited when the U.S. Department of Defense's (DOD) Defense Security Services' Personnel Security Investigations function was transferred to OPM, as a result of *Section 906* of the National Defense Authorization Act, effective March 20, 2005. The personnel specialist advised that these inherited case files did not contain all of the relevant documents as outlined in the DOL guidance.

Employee Services' lack of policies and procedures for maintaining FECA cases files increases the risk of personnel specialists missing the opportunity to return recovered employees back to work.

Recommendation 1

We recommend that Employee Services establish policies and procedures for the maintenance of FECA case files to ensure that (1) the files contain copies of documents and materials related to the compensation claim; and, (2) contact with the injured employee or OWCP is accurately documented to reflect Employee Services' periodic monitoring of injured employees' status for the possibility of their return to work.

Employee Services Response:

"The Agency partially concurs with Recommendation 1... In January of 2015, OPM received Agency Reviewer Imaging (ARI) capability from DOL, which allows us to request case files or documents directly from DOL. Since receiving access to ARI, we have been actively using this tool to update our records.

"Requests for information were made on nine FECA cases that your report identified as no having a CA-1 or 2 on file. Of those nine cases, the agency received and provided to the OIG the documents on five cases. We are still trying to obtain the information on the other four of these cases from DOL.

"The Agency does not concur with part 2 of Recommendation 1. DOL has programmatic responsibility and authority for monitoring OWCP cases by sending form CA-1032 with EN-1032 to long-term disabled employees annually, bi-annually or once every three years,

depending on the case status. We do not believe it is appropriate for OPM to request that the employees provide OPM with the same information. We will, however, establish a quality review system and monitor cases to ensure we receive copies of appropriate documents from DOL. We will maintain copies of these documents in our employee case files."

OIG Comment:

We reviewed the documents provided by Employee Services and adjusted the number of FECA cases to four that still lack a CA-1 or 2(a) on file.

Although Employee Services did not concur with the second part of this recommendation, they stated that they will establish a quality review system and monitor cases to ensure they receive copies of appropriate documents from DOL and maintain copies of these documents in employee case files. Once the quality review system is established, we believe this recommendation will be addressed.

Recommendation 2

We recommend that Employee Services review all FECA cases still receiving compensation and request copies of any missing documents from DOL and document the request in the case file.

Employee Services Response:

"The Agency partially concurs with this recommendation. Based on our review of the cases provided, we find that only six cases are lacking the updated documentation.

"... To ensure a reasonable return on our investment of resources, we have invested less time in monitoring cases that have been identified as having no potential return to work options. However, the agency does agree that we should set up a tracking system to monitor DOL's requests for updated information and use ARI capability to receive this information. Additional requests will be made on the six cases lacking update documentation.

"The report also stated that the FECA case files lacked a systematic order making it difficult to locate all documents relevant to the compensation claim. Our FECA case files are working documents the HR Specialist uses to manage the case in real time. DOL has established no guidance on the FECA record-keeping system, and we have elected to file our documents by the date our office received them versus the date on the document. This allows the HR Specialist to evaluate the situation based on the most recent information received in our office. . ."

OIG Comment:

Based on the updated documentation provided by Employee Services, we identified seven remaining cases that lack documentation, which indicate recent periods (after 2012) of at least one year where the personnel specialists appear to have had no contact with the injured employee or OWCP.

We understand that DOL has not established guidance regarding the FECA record-keeping system and we accept that Employee Services files documents in the order they receive them. However, the quality review system Employee Services states it will establish to address Recommendation 1 needs to incorporate a method that reflects how it will maintain its record keeping system (i.e., filing documents in the order of the date received with date of receipt clearly identifiable).

2. Quarterly Chargeback Reports

According to DOL's *Injury Compensation for Federal Employees, Publication CA-810*, OPM's responsibilities for FECA oversight includes monitoring the compensation costs paid back to DOL and charging the lowest organizational level practicable to make managers more aware of these costs. Furthermore, OPM's Handbook states personnel specialists are responsible for reviewing the chargeback report and taking necessary action to prevent incorrect entries and charges from appearing on the annual chargeback statement. Once the chargeback statement is verified by personnel specialists, OPM's Office of the Chief Financial Officer (OCFO) reimburses DOL for the compensation costs it paid on OPM's behalf. The OCFO then prepares an intra-agency chargeback report that shows the cost charged to each organizational component. The Handbook also states that program offices contact the personnel specialists immediately if they believe that a FECA case on its chargeback report does not belong on its account.

Program office managers do not receive their total compensation chargeback costs until the end of the fiscal year, which lacks the detailed information associated with those costs. During our evaluation we found that personnel specialists were unaware that OPM program offices needed to receive details from the quarterly chargeback reports, such as injured employees' names, to that ensure FECA cases charged to their accounts are accurate.

Without receiving the details associated with their total compensation costs, OPM program offices do not have a way to verify FECA cases charged to their accounts are accurate and thus increasing the risk of errors. For example, errors were found on the final FY 2014 Chargeback Report regarding the total charges for certain program offices. One program office was charged for some injured employees that were assigned to another program office. The errors occurred due to an agency reorganization that relocated employees to different offices, and were not detected until a program office inquired about the details of their compensation charges. Providing program offices with the details associated with their respective compensation costs on a quarterly basis will allow them to better monitor and verify the accuracy of their account charges.

Recommendation 3

We recommend that Employee Services coordinate with the OCFO to provide managers with the details associated with their respective compensation costs, including a list of the injured employees, on a quarterly basis to monitor charges for accuracy.

Employee Services Response:

"The agency concurs with Recommendation 3 and will implement process to provide each organization with cost information regarding their injured employees on a quarterly basis."

3. Potential of Fraudulent Payments to Ineligible Beneficiaries

As part of DOL's administrative responsibilities for the OWCP, it obtains medical and non-medical evidence to determine the eligibility of long-term injured employees and survivors for continued compensation. Each year, OWCP sends long-term injured employees receiving compensation Form CA-1032 with EN-1032⁴; and sends survivors Form CA-12⁵, to verify their eligibility for continued compensation. Long-term injured employees and survivors are required to complete their respective eligibility form, and return it to DOL to retain their compensation benefits.

⁴ All FECA cases receiving wage compensation require the completion of Form EN-1032 on a yearly basis. Form CA-1032 is the cover letter for the EN-1032. The office generates and mails Form CA-1032 (with EN-1032 attachment) to claimants.

⁵ CA-12, titled *Claim for Continuance of Compensation under the Federal Employees' Compensation Act*, is used to determine survivors' eligibility for continuing benefits. Survivors must return it to the OWCP within 30 days to retain benefits.

Given the nature of their FECA claim, survivors are not required to provide medical evidence to OWCP as supplemental verification. Their only requirement for continued compensation payments is to return the form to OWCP. The medical evidence that long-term injured employees are required to provide OWCP depends on the nature of their condition. Those with more serious conditions that are not likely to improve, and injured employees over the age of 65, may require less frequent documentation, but ordinarily not less than once every three years.

OPM's long-term FECA cases are vulnerable to possible fraudulent payments. During our evaluation, we identified 15 FECA cases where either the injured employee or the surviving family member has been receiving FECA payments with very limited verification of continued eligibility.⁶

OWCP's process to ensure survivors' and long-term injured employees' continued eligibility for compensation benefits is weak and increases the possibility of fraudulent compensation payments being made to ineligible beneficiaries. Specifically, survivors do not provide medical evidence to OWCP as part of verifying their eligibility, and OWCP has no way to verify the survivor was the one who completed the eligibility form. Even though long-term injured employees may be required to provide medical evidence as additional verification for continued compensation, it is not always on an annual basis, allowing a window of opportunity for the risk of fraudulent payments.

Despite OWCP's procedures, Employee Services lacks its own process to ensure beneficiaries are still eligible to receive compensation, further contributing to the risk of fraudulent FECA compensation payments being made to ineligible beneficiaries.

Recommendation 4

Employee Services should establish a process to verify survivors' and long-term injured employees' continued eligibility for compensation to decrease the vulnerability of fraudulent compensation payments being made to ineligible beneficiaries.

Employee Services Response:

"The Agency does not concur with Recommendation 4. DOL has the responsibility and authority to verify an employee's continued eligibility for compensation under this program. While the funds expended do not come from DOL but rather from the Agency, and we share a vested interest in ensuring the payments go to eligible individuals, it is the responsibility of DOL

⁶ There are 15 FECA cases on the Final FY 2015 Chargeback Report that only received wage compensation for the fiscal year.

to monitor the status of individuals by requiring completion of CA-1032 with EN-1032 to long-term disabled employees either annually, bi-annually, or once every three months depending on the status of the case, to ensure benefits are paid accordingly. We have found that DOL complies with its obligations, and the agency does not have the authority or responsibility to replicate this process. As part of our quality review process, however, we will be monitoring the cases to ensure that documentation is received and reviewed. Of the fifteen cases identified by the OIG, fourteen had updated correspondence which was provided to the OIG and we will follow up and request updated documentation on the remaining case."

OIG Comment:

Employee Services states that they provided updated correspondence for 14 of the 15 cases we identified in the draft report. The updated correspondence that Employee Services provided addressed issues with case files that we identified in Finding 1, "Maintenance of FECA Case Files." From our analysis of Employee Services' updated correspondence, we determined that they verified eligibility for continued compensation for 7 of 15 case files we identified in *this finding*. Employee Services should review the remaining 8 case files to ensure they receive the required documentation to verify eligibility from OWCP.

While Employee Services did not concur with our recommendation, they stated that as part of their quality review process that they will be monitoring cases to ensure that eligibility documentation is received and reviewed. Once implemented, the quality review process will address our recommendation.

Recommendation 5

We recommend that Employee Services work with OPM's Office of the Inspector General, Office of Investigations to develop procedures to refer any suspected FECA cases of fraud.

Employee Services Response:

"The Agency concurs with Recommendation 5 and appreciates the opportunity to work with the OIG, Office of Investigations, to develop a process to investigate specific cases where fraud appears to be indicated by an injured worker who intentionally fails to disclose reportable employment or income, falsify or report fraudulent medical information, or claim to be injured or disabled when in fact they are not."

APPENDIX A: SCOPE AND METHODOLOGY

We conducted this evaluation in accordance with the *Quality Standards for Inspection and Evaluation*, *January 2012*, approved by the Council of the Inspectors General on Integrity and Efficiency.

We performed our evaluation fieldwork from May 5 through September 1, 2015 at the OPM Headquarters in Washington, D.C.

The scope of this evaluation was for FY 2015. We met with program management and personnel specialists who handle the compensation claims. We inquired about the types of training they receive to execute their duties, how each injury is investigated prior to DOL's approval and the contact they have with injured employees receiving compensation. We also examined how personnel specialists monitor FECA cases to identify jobs suitable for recovered or recovering employees for return to regular, light or limited duty.

We also interviewed key personnel associated with the chargeback process to include the Office of the Chief Financial Officer management and staff, as well as program offices' business managers to gain a better understanding of how FECA benefit costs are paid back to DOL and how program managers are made aware of these costs. In addition, we analyzed quarterly chargeback reports for FY 2015 to identify the injured employees still receiving wage compensation.

Based on the third quarter FY 2015 Chargeback Report, we conducted file review on all 44 FECA cases that received wage compensation in FY 2015 and had a date of injury older than a year as of March 2015. As the personnel specialists' primary responsibility is to reemploy recovered or recovering employees based on current medical evidence, we did not review any FECA case files that received only medical compensation because these injured employees have returned to full work status. We reviewed the FECA cases files to ensure that documents were maintained in a systematic order, to include copies of relevant documentation related to each compensation claim. We also reviewed the case files to verify that personnel specialists were maintaining contact with injured employees, actively identifying jobs suitable for them and taking steps to reemploy recovered or recovering employees; or seeking rehabilitation for eligible long-term disabled employees.

APPENDIX B: EMPLOYEE SERVICES' RESPONSE TO OUR DRAFT REPORT

MEMORANDUM FOR WILLIAM W. SCOTT, JR.

Chief, Office of Evaluations and Inspection

FROM: MARK REINHOLD

Associate Director, Employee Services, and

Chief Human Capital Officer

SUBJECT: Agency Response to Draft Report on the Evaluation of OPM's

Oversight of the Federal Workers' Compensation Program

We have reviewed OIG's draft report on the evaluation of OPM's Workers' Compensation Program, report number 4K-RS-00-15-050, dated September 16, 2015, and appreciate the opportunity to review and provide comments regarding the report findings and recommendations. Our responses to your recommendations are provided below.

Recommendation 1: ES should establish policies and procedures on the maintenance of FECA case files to ensure (1) copies of documents and materials related to the compensation claims are maintained; and (2) contact with the injured employee or OWCP is accurately documented to reflect periodically monitoring of the injured employee's status for return to work.

Management Response: The Agency partially concurs with Recommendation 1. Copies of documents and materials related to a compensation claim are not submitted directly to the Agency by the Department of Labor (DOL) or the injured worker. Prior to January 2015, the Agency was not informed when DOL received updated documents, and such documents were only available upon request. In January of 2015, OPM received Agency Reviewer Imaging (ARI) capability from DOL, which allows us to request case files or documents directly from DOL. Since receiving access to ARI, we have been actively using this tool to update our records.

Requests for information were made on nine FECA cases that your report identified as not having a CA-1 or 2 on file. Of those nine cases, the agency received and provided to the OIG the documents on five cases. We are still trying to obtain the information on the other four of these cases from DOL.

The Agency does not concur with part 2 of Recommendation 1. DOL has programmatic responsibility and authority for monitoring OWCP cases by sending form CA-1032 with EN-

for M. Weenhold

APPENDIX B: EMPLOYEE SERVICES' RESPONSE TO OUR DRAFT REPORT

1032 to long-term disabled employees annually, bi-annually or once every three years, depending on the case status. We do not believe it is appropriate for OPM to request that the employees provide OPM with the same information. We will, however, establish a quality review system and monitor cases to ensure we receive copies of appropriate documents from DOL. We will maintain copies of these documents in our employee case files.

Recommendation 2: ES should review all FECA cases still receiving compensation and request copies of any missing documents from DOL and document the request in the file.

Management Response: The Agency partially concurs with your Recommendation 2.

Reacted by OIG. Not relevant to the Final Report.

Based on our review of the cases provided, we find that only six cases are lacking the updated documentation.

Beginning in 2011, the Agency contracted with e Managed Care Advisors, an enterprise specializing in managed care, employee health benefits, and workers' compensation consulting and case management services, to assist in reviewing long-term disability cases for the potential to return employees to work. They conducted a clinical review of all of our cases and provided recommendations as to which had potential return to work options. Based on this review, the Agency has been working closely with DOL, the injured worker, and Managed Care Advisors on potential return to work options on six cases. The case files reviewed by OIG reflected this activity and those documents were included in the case files. Six additional cases were identified by Managed Care Advisors as having no potential return to work option, due to the severity of the disability and/or age of insured worker and length of disability. Through ARI capability, we received updated documentation on four of those cases and provided this to the OIG.

To ensure a reasonable return on our investments of resources, we have invested less time in monitoring cases that have been identified as having no potential return to work options. However, the agency does agree that we should set up a tracking system to monitor DOL's requests for updated information and use ARI capability to receive this information. Additional requests will be made on the six cases lacking updated documentation.

The report also stated that the FECA case files lacked a systematic order making it difficult to locate all documents relevant to the compensation claim. Our FECA case files are working documents the HR Specialist uses to manage the case in real time. DOL has establish no guidance on the FECA record-keeping system, and we have elected to file our documents by the date our office received them versus the date on the document. This allows the HR Specialist to evaluate the situation based on the most recent information received in our office. Additionally, Managed Care Advisors tracks case activity and notes in an online system, and these notes are not always maintained in the hard copy file.

APPENDIX B: EMPLOYEE SERVICES' RESPONSE TO OUR DRAFT REPORT

Recommendation 3: ES coordinate with the CFO to provide managers with the details associated with their respective compensation costs to include a list of their injured employees, on a quarterly basis to monitor charges for accuracy.

Management Response: The Agency concurs with Recommendation 3 and will implement a process to provide each organization with cost information regarding their injured employees on a quarterly basis.

Recommendation 4: The Agency should establish its own verification process to annually verify survivors' and long-term injured employee's continued eligibility for compensation to decrease the vulnerability of fraudulent compensation payments being made to ineligible beneficiaries.

Management Response: The Agency does not concur with Recommendation 4. DOL has the responsibility and authority to verify an employee's continued eligibility for compensation under this program. While the funds expended do not come from DOL but rather from the Agency, and we share a vested interest in ensuring the payments go to eligible individuals, it is the responsibility of DOL to monitor the status of individuals by requiring completion of CA-1032 with EN-1032 to long-term disabled employees either annually, bi-annually, or once every three months depending on the status of the case, to ensure benefits are paid accordingly. We have found that DOL complies with its obligations, and the agency does not have the authority or responsibility to replicate this process. As part of our quality review process, however, we will be monitoring the cases to ensure that documentation is received and reviewed. Of the fifteen cases identified by the OIG, fourteen had updated correspondence which was provided to the OIG and we will follow up and request updated documentation on the remaining case.

Recommendation 5: The Agency work with the Office of Inspector General, Office of Investigations to develop a process to refer any suspected FECA cases of fraud.

Management Response: The Agency concurs with Recommendation 5 and appreciates the opportunity to work with the OIG, Office of Investigations, to develop a process to investigate specific cases where fraud appears to be indicated by an injured worker who intentionally fails to disclose reportable employment or income, falsify or report fraudulent medical information, or claim to be injured or disabled when in fact they are not.

We appreciate the opportunity to respond to this draft report. If you have any questions				
regarding our response,	please contact	, OWCP Pro	ogram Manager, at	
ext. or at	@opm.gov.	_		

cc: Janet Barnes, Director Internal Oversight and Compliance

APPENDIX C: MAJOR CONTRIBUTORS TO THIS REPORT

OFFICE OF EVALUATIONS AND INSPECTIONS

William W. Scott Jr., Chief

, Lead Program Analyst

, Program Analyst



Report Fraud, Waste, and Mismanagement

Fraud, waste, and mismanagement in
Government concerns everyone: Office of
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