

# Federal and State Workers' Compensation: Distinctly Different

Have you or someone you know been injured at work? If so, the results can be devastating. Not only are you faced with mounting medical bills, but also, the loss of a paycheck may make it impossible to cover your household expenses. To add to the complications, there are distinctions between federal and state workers' compensation claims. Understanding the differences can help injured workers be less confused—feel less overwhelmed—should they need to file a claim. This post is intended to provide clarification.

## **Pennsylvania's Workers' Compensation Act**

For injured Pennsylvania state employees, workers' compensation benefits are paid through Pennsylvania's Workers' Compensation Act ("Act"). The Act provides for various forms of benefits. These include (1) temporary total disability benefits; (2) temporary partial disability benefits; (3) specific loss benefits; and (4) death benefits. If an injured employee dies due to work-related injury, the benefits may go to his spouse or descendants through the laws of intestate succession.

The Act includes many rules. First and foremost, if you are an injured Pennsylvania employee, the Act *requires* you to report your injury to management within 120 days of the injury. Once the report is made, Pennsylvania law then places a three years statute of limitations period on the filing of your workers' compensation claim. These time limitations should be strictly adhered to. If you do not meet the time frames, your claim will be time-barred.

If a dispute arises relating to a workers' compensation claim,

the dispute will be litigated before a workers' compensation judge from the Office of Adjudication. This Office is a division of the Pennsylvania Department of Labor and Industry.

Workers' compensation cases in Pennsylvania can be settled through a Compromise and Release agreement (C&R). Still, the settlement must ultimately be approved by the Workers' Compensation Judge ("WCJ"). The Act strictly prohibits settlements of workers' compensation claims without first getting the WCJ's approval of such settlement. For approval, the WCJ must find that the employee settling the claim understands the full legal significance of the settlement agreement.

### **Federal Workers' Compensation Act**

The Federal workers' compensation law varies significantly from that of Pennsylvania's Act. Basically, if you are an injured federal employee, your workers' compensation benefits are governed by the [Federal Employees Compensation Act](#) ("Fed Act"). There are 12 federal workers' compensation regional offices nationwide. The Office in your region is responsible for investigating and processing your workers' compensation claim. The United States Department of Labor manages federal workers' compensation.

One difference between state and federal workers' compensation claims is that the federal government and its several agencies have immunity from public employer liability. That means federal employees are specifically required to pursue *all* injury claims through the federal workers' compensation system. In the private sector, there are various instances, in which an injured employee may seek workers' compensation and then pursue another claim against the at-fault employer. Per federal law, negligence to any degree does not circumvent the restrictions.

If you are a federal employee who is injured on the job, the

Fed Act lists several steps that you must satisfy in order to be eligible for workers' compensation benefits. First, you must immediately report your work-related injury to your onsite health office. Once such notice has been made, you will then be directed to complete a Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" form. Once the form is filled out, you should make a copy for your records and submit the form to your department head. Upon his or her completion, your department head will then send the form to the appropriate federal workers' compensation district office. You be notified via letter if there is sufficient evidence to pursue the claim. Of course, if denied, you can file an appeal.

You should seek treatment from a physician. Different from state workers' compensation, the Fed Act allows you to seek the physician of your choosing, even if it is your private physician, rather than choosing from a list of pre-approved physicians.

The Fed Act enables injured federal employees to receive payment for all out-of-pocket expenses, medical bills and vocational rehabilitation. If you are not able to work, due to your injury, the Fed Act maintains that you will continue receiving full wages directly from your federal employer for up to 45 days following the date of injury. After this 45-day period, if you are still unable to work, federal compensation will begin paying for your lost wages, but at a slightly reduced rate. Furthermore, per Fed Act, if your work-related injury resulted in a disability, you will receive a cash settlement as well as your lost wages.

For federal employees, if you seek a workers' compensation claim, you must file the claim within three years of your injury or else your claim will be time barred. However, even if you miss the three-year window, your claim will not be time barred if your immediate superior had actual knowledge of the injury or death within 30 days of the accident.

## **Take action if you are an injured employee**

Whether you are a state or federal employee, should you become injured at work, or if you have lost a loved one due to a work-related accident, hiring an experienced workers' compensation attorney for your case is essential. An experienced attorney can help ensure that you are awarded the compensation you deserve. The workers' compensation attorneys at [Martin Law](#) are here to help. Call today for a FREE consultation.