

APPENDIX B: AGENCY'S RESPONSE TO THE REPORT

U.S. Department of Labor

Office of Workers' Compensation Programs
Washington, DC 20210



MEMORANDUM FOR: Carolyn R. Hantz
Assistant Inspector General

FROM: Christopher J. Godfrey *C. J. Godfrey* 9/14/21
Director, Office of Workers' Compensation Programs

SUBJECT: Office of Workers Compensation Programs' Response to the Office of
The Inspector General's Audit of Delayed FECA Claims Adjudication

The Office of Workers' Compensation Programs (OWCP) has received the Office of Inspector General (OIG) Draft Report, "COVID-19: PANDEMIC CAUSES DELAYS IN FECA CLAIMS" for review and response addressing the recommendations.

The Draft Report details the success OWCP has realized since the beginning of the pandemic, managing the ADJUDICATION unexpected influx of COVID-19 claims while not allowing non COVID-19 claims adjudication or our opioid achievements to be affected. As the report outlines, the changes we made to opioid management did not negatively impact overall opioid use among claimants, and in fact there was improvement. In addition, while the delayed adjudication of COVID-19 claims did impact our adjudication timeliness in the aggregate, the non COVID-19 claims adjudication was not negatively impacted and remained steady throughout.

The Draft Report noted a significant delay in adjudicating COVID-19 claims (46% of 13,785 total claims as of March 31, 2021), and detailed the reason why COVID-19 claims took longer to adjudicate compared to non COVID-19 claims. However, since the passage of the American Rescue Plan Act of 2021, OWCP has made significant progress in addressing this delay. The new law makes it easier for federal workers diagnosed with COVID-19 to establish coverage under the Federal Employees' Compensation Act (FECA). Based on this new law, OWCP has cleared the adjudication delay in pending claims. As of August 30, 2021, OWCP had received 17,510 total COVID-19 claims, more than 98% have been adjudicated.

This Draft Report makes one new recommendation, which is outlined below along with our response:

1. **Recommendation:** Require FECA to review IHME projections in the fourth quarter of calendar year 2021 and, if necessary, update its contingency plan to ensure claims are adjudicated as promptly as possible while continuing to consider potential negative impacts on opioid claimants.

Management Response: OWCP reviews pending workload and IHME projections on a weekly basis and adjusts operations and staffing as needed. Therefore, OWCP agrees to do so in the fourth quarter of calendar year 2021 and, if necessary, update its contingency plan to ensure claims are adjudicated as promptly as possible while continuing to consider potential negative impacts on opioid claimants.