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Q: Don't they leave you alone after you're permanently disabled?

A: This concerns the whole job suitability/agency/owcp bullying process versus the actual PM and ECAB described step by step process that should be followed.

The OWCP process is very difficult to survive for those who are unfortunate enough to suffer an injury that most other types of injury programs would consider a permanent injury. This arises from the present policy position taken by OWCP that there is no settlement of a FECA claim. Therefore, the process involves an ongoing shopping expedition of sending you to physicians year after year until they find one who is willing to say you are either all better or have some residual working capacity.

I have met with persons who were injured 25 or 30 years ago, were now in their seventies, were 15 years past when the last doctor who treated the work injury had passed away or retired, and were under the care of a family physician who had no idea as to what caused their disability. A very bad situation that I generally decline to even get involved in since it is so difficult, if not impossible, to fix.

Q: But what can you do?

A: There are only two solutions here, neither satisfactory. One is to give up the FECA claim and just take your OPM disability pension and get along without OWCP and without the higher level of income. Unfortunately, most injured workers are not in a financial position that allows them to make this choice.

The other solution is to make sure you have appropriate Board Certified specialists involved in your case, NOW and for the foreseeable future. . . These specialists must be willing and capable of writing the type of detailed narrative reports that OWCP requires. Once the physicians have written the report, it will need to be updated and submitted every year, in a complete narrative, not just as a brief addendum.

Q: But what if you really can't deal with them anymore--it's just too much?

A: . . At this point, it is really the effects of the physical condition on your mental outlook and your ability to function in those aspects of life that most people take for granted that needs to be documented.

Physical injuries can be strange things. One person with severe injuries may be able to continue on while someone with what appear to be minor injuries sinks into a major depression and chronic pain syndrome. Why? Our bodies are not machines, we all react in different ways. But it is this big picture that the psychiatrist must document and explain in terms of how the work injury has caused or worsened your ability to function.

Someone like myself can help you continue to fight your claim with OWCP, but only if you have the doctors backing us up with the documentation. Ultimately, you need to figure out how you can survive this process without letting it consume you. This is also something that the psychiatrist may be able to assist in.

However, I have had numerous clients who have eventually decided that OWCP is just too painful to deal with. Even when I insisted that the OWCP action they were facing would not hurt them or would be easily overturned. Its easy for me to be the General in the bunker telling you to take another hill. You need to decide whether its something you can or are willing to do.

Meanwhile, make sure that your disability retirement is approved and sitting there as your back up. If you are in FERS or are otherwise eligible, make sure you put in for your SSD which you can collect simultaneously with either FECA or OPM benefits, albeit there are set-offs, but the total is more than if you do not seek the SSD.

Good luck. The most important thing is to maintain perspective and not let this process consume you. You must have family, friends, or other interests that you cannot let this process destroy.

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