



U.S. DEPARTMENT OF LABOR

Office of Workers' Compensation Programs (OWCP)

Division of Federal Employees', Longshore and Harbor Workers' Compensation (DFELHWC)

The American Rescue Plan Act of 2021 that President Biden signed on March 11, 2021, made it much easier for federal workers diagnosed with COVID-19 while employed in the Federal service at any time during the period of **January 27, 2020, to January 27, 2023**, to establish coverage under the Federal Employees' Compensation Act.

[FECA Bulletin 23-02](#) provides guidance regarding the processing of claims involving COVID-19 diagnosed **after January 27, 2023**.

FECA claims for COVID-19 diagnosed after January 27, 2023 must establish the five basic elements for adjudication as set forth under the Federal Employees' Compensation Act (FECA) as follows:

1. The claim was filed within the time limits set by the FECA;
2. The injured worker was an employee within the meaning of the FECA;
3. The claimant provided evidence
 - a. Of a diagnosis of COVID-19, and
 - b. That establishes they actually experienced the event(s) or employment factor(s) alleged to have occurred.
4. The alleged event(s) or employment factor(s) occurred while the employee was in the performance of duty; and
5. The COVID-19 was found by a physician to be causally related to the established event(s) or employment factor(s) within the employee's Federal employment. Neither the fact that the condition manifests itself during a period of Federal employment, nor the belief of the claimant that factors of employment caused or aggravated the condition, is sufficient in itself to establish causal relationship.

Which form should I file for a COVID-19 Claim?

Claims for COVID-19 diagnosed after January 27, 2023 should generally be filed on Form CA-2, Notice of Occupational Disease. This is because in most cases there is no clear, identifiable incident or incidents over a single day or work shift to which the injured worker can specifically attribute the event alleged to have caused the diagnosed COVID-19.

A Form CA-1, Notice of Traumatic Injury, should only be used if the event alleged to have caused the diagnosed COVID-19 clearly identifiable as to time and place of occurrence. This must be a specific event or incident or series of events or incidents during a single day or work shift. If there is no clear, identifiable incident or incidents over a single work day or work shift to which the COVID-19 diagnosis is attributed, then a Form CA-2 should be used.

An instructional video on how to file a COVID-19 claim after January 27, 2023 will soon be added to the [claimant's user guides](#) in ECOMP.

How do I identify the proper date of injury?

Form CA-1, Traumatic Injury. The date of injury is the date of the claimed incident that caused COVID-19.

Form CA-2, Occupational Disease. The date of injury is the last date the claimant was exposed to claimed factors of employment prior to testing positive for COVID-19.

What type of medical evidence is needed to establish a COVID-19 claim?

In order to establish a diagnosis of COVID-19, an employee (or survivor) should submit:

- a. A positive Polymerase Chain Reaction (PCR) or Antigen COVID-19 test result; or
- b. A positive Antibody COVID-19 test result, together with contemporaneous medical evidence that the claimant had documented symptoms of and/or was treated for COVID-19 by a physician (a notice to quarantine is not sufficient if there was no evidence of illness); or
- c. If a positive PCR, Antigen, or Antibody test is not available, a COVID-19 diagnosis from a physician together with rationalized medical opinion supporting the diagnosis and an explanation as to why a positive test result is not available.

Is a “home test,” or “over-the-counter (OTC)” test sufficient to establish a COVID-19 claim?

Self-administered COVID-19 tests, also called "home tests", "at-home tests", or "over-the-counter (OTC)" tests, are insufficient to establish a diagnosis of COVID-19 under the FECA. This is because there is no way for FECA claims staff to affirmatively establish (1) the date and time the sample was collected and (2) that the sample collected is that of the injured federal employee making the claim. The only exception to this policy is where the administration of the self-test is monitored by a medical professional and the results are verified through documentation submitted by such professional.

What type of medical evidence is needed to be eligible for Continuation of Pay (COP)?

You must submit a statement from your physician explaining why you were not able to perform the duties of your position as a result of the positive COVID-19 diagnosis for the work days missed.

A positive test result alone does not automatically establish COP entitlement and/or disability.

What type of medical evidence is needed to establish disability when filing Form CA 7?

You must submit a statement from your physician explaining why you were not able to perform the duties of your position as a result of the positive COVID-19 diagnosis for the period of lost time claimed.

A positive test result alone does not automatically establish COP entitlement and/or disability.

Waiting Days: Under §8117 of the FECA, waiting days are the first three days of injury-related disability. The employee is not entitled to compensation for the first 3 days of temporary disability, except:

- (a) when the disability exceeds 14 days;
- (b) when the disability is followed by permanent disability; or
- (c) when seeking medical treatment, supplies or related medical services.

For the United States Postal Service (USPS) claimants, the three-day waiting period applies at the beginning of the disability period, regardless of the type of injury sustained. USPS claimants will not receive COP until the fourth day of disability. If disability extends beyond fourteen days, the Postal Service will offer the claimant the choice to change the three waiting days to COP. For all other agencies, OWCP handles waiting days when compensation is claimed.

Thank you.