

AUXILIARY MANUAL CHAPTER 5

Section K. Claims, Injury, or Death While Assigned to Duty

Introduction This section provides general policies and procedures for claims, injury, or death while assigned to duty.

K.1. Injury 14 U.S.C. § 832 states in part as follows, “Members of the Auxiliary who incur physical injury or contract sickness or disease while performing any duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same medical treatment afforded members of the Coast Guard.”

This section has been interpreted to mean Auxiliarists are entitled to payment for their medical and hospital bills for emergency care without the need to show a causal relationship between the illness or injury and their assigned duties.

Persons who are not Auxiliarists who are killed or injured on board an Auxiliary facility are not covered by these provisions.

K.2. Emergency Care Auxiliarists who are injured while assigned to duty and who require immediate attention should obtain emergency care from the local Coast Guard unit’s contract provider, military hospital, U.S. Public Health Service facility, or nearest treatment facility if none of the others are available.

K.2.a. Payment of Bills A civilian contract provider will bill the Auxiliarist directly for treatment of any injury. The Auxiliarist may pay the bill and seek reimbursement or submit the bill directly to the Government for payment. Any delays in processing payment could impact the Auxiliarist’s credit rating, so Auxiliarists are encouraged to pay the bill and then apply for reimbursement.

The Auxiliarist should forward emergency medical bills to the DOL, via their Director, for payment. Once eligibility is determined, the DOL will pay for the Auxiliarist’s medical care. The DOL will also reimburse an Auxiliarist for medical care obtained from a non-contract provider if immediate care was provided.

K.2.b. Information Required for Reimbursements Auxiliarists who are filing for reimbursement for emergency care must provide the following information within thirty days of the injury:

- An original itemized bill, together with the Health Insurance Claim Form (normally the OWCP/HFCA-1500). The Auxiliarist must inform the health care provider to send this bill directly to him/her, not to the Coast Guard.
- Section A of the Report of Non-Federal Health Care Certification (CG-5534).
- Report of Potential Third Party Liability Form (CG-4899).
- Claim for Reimbursement for Expenditures on Official Business (SF-1164).
- A copy of the orders from the day of the injury. If the Auxiliarist was assigned to duty without orders, a letter certifying the Auxiliarist was assigned to duty at the time of the injury must be provided from the competent Coast Guard authority or Auxiliary leadership.
- All paid receipts for the care received.

- For every invoice (bill) received, a medical report should be included

- DOL claim forms are available on the DOL web site. (see Appendix J)
- **The completed forms should be mailed to the Auxiliarist's Director, who will verify and endorse the claim and fax the completed Report of Traumatic Injury Form (CA-1) to the Chief Director for electronic submission to the DOL. Once the DOL receives the electronic submission, they will send the Chief Director an electronic receipt and case file number. The Chief Director then provides the Director the case file number and the Director mails all additional documentation to the DOL office in Washington, D.C. (attention to the case number) to the following address: Department of Labor, OWCP Special Claims Branch (District 25), 800 North Capital Street, N W., Room 800, Washington, D.C. 20211.**

K.3. Follow-Up (Non-Emergency) Care

Follow-up care for an injury or illness which occurred while assigned to duty is referred to the DOL Office of Workers' Compensation, via the Director. The DOL must have approved this claim before payment can be made to treating physicians for follow-up care.

K.3.a. Physician Acceptance Rates

Prior to seeking follow-up care from a physician, the Auxiliarist must ensure the treating physician is willing to accept the prescribed DOL rates for medical services rendered. This issue must be specifically addressed with the physician to prevent further misunderstandings.

K.3.b. Report of Traumatic Injury

The Auxiliarist must obtain a Report of Traumatic Injury Form (CA-1), complete the first part of the form, and attach a copy of the applicable orders and a narrative medical report. The Director will then complete the second part of Form CA-1. A case file will be established and kept in the Director's office in case of future need.

K.3.c. Payment Bills

Payment of bills for follow-up care to the DOL, shall be submitted via the Director, in the following manner:

- The Auxiliarist must obtain and complete the DOL's Attending Physician's Report Form (CA-20). This form along with other related worker's compensation forms are available through the Director or the local Coast Guard civilian personnel office.
- The Auxiliarist must take a copy of Form CA-20 to the attending physician. The attending physician can complete Part B of Form CA-20 or provide sufficient medical documentation in a narrative report and send to the Director. For payment, the attending physician must submit an OWCP/HFCA-1500 to the Director. The Director will review the forms for completeness and make copies for the case file. Originals of Forms CA-1, CA-20, or the narrative medical report, and the OWCP/HFCA-1500 Form will be forwarded to the DOL by the Director.

If further treatment is required, the physician should complete a narrative medical report or Form CA-20, (reverse side of Form CA-16). Forms should be submitted by the attending physician to the Director who will review for completeness, make copies, and send to the DOL.

- **The completed forms should be mailed to: Department of Labor Special Claims Examiner, 800 North Capital Street, Room 800, Washington, D.C. 20211.**
- **The DOL and Coast Guard forms are available from the Director or the local Coast Guard Civilian Personnel Office.**

K.4. Dental Care

Emergency dental care is only authorized due to direct trauma or injury while performing Coast Guard authorized duties.

K.5. Claims for

Auxiliarists may be entitled to Federal Employee's Compensation Act benefits for a

Disability	disability incurred while assigned to duty.
K.5.a. Basis	Compensation is based upon a percentage of the base pay for grade GS-9 of the General Schedule in effect on the date of the injury. Specific entitlement depends on the nature of the disability (total or partial) and the familial status of the member (single, married, married with dependents [114 U.S.C. § 832]).
K.5.b. Required Forms	The Auxiliarist must complete the DOL Report of Traumatic Injury Form (CA-1) and Claim for Compensation of Account of Traumatic Injury Form (CA-7). The attending physician must complete the DOL Attending Physician's Report (CA-20). All completed forms shall be sent to the Director, who will verify the claim, make a case file copy, and forward to DOL.
K.6. Death of an Auxiliarist While Assigned to Duty	The Federal Employee's Compensation Act (FECA) provides benefits to an Auxiliarist's spouse and dependent children if the Auxiliarist dies while assigned to duty or from physical injuries incurred while assigned to duty (14 U.S.C. § 832).
K.6.a. Determining Compensation	For purposes of determining compensation entitlement, an Auxiliarist is considered to have Federal General Schedule GS-9 (step 1) monthly basic pay on the incurred injury date. Depending on the deceased Auxiliarist's marital status, the surviving spouse and dependent children may each receive a monthly percentage of that GS rate (14 U.S.C. § 707).
K.6.b. Notification Responsibilities	Upon the death of an Auxiliarist, notification must be made to the Coast Guard Command Center in Washington, DC as soon as possible. The 24-hour phone number is (202) 267-2100. Coast Guard field units shall report via the chain of command. Auxiliarists should report via their Coast Guard order-issuing authority or a local Coast Guard command.
K.6.c. Death Related Expenses	Surviving spouse and children are also entitled to limited payment for the deceased's funeral and burial expenses and a death gratuity. The maximum burial and funeral expense allotment is \$800 (5 U.S.C. § 8134). A death gratuity of up to \$10,000 for line of duty death is permitted in accordance with Section 651 of P.L. 104-208.
K.7. Investigations	When any Auxiliarist is physically injured or dies as a result of physical injury incurred while performing any authorized duty assigned by competent Coast Guard authority or Auxiliary leadership, an investigation will be conducted as set forth in Chapter 5 of the Administrative Investigations Manual, COMDTINST M5830.1 (series). The Director should ensure the investigating Coast Guard active duty personnel or Auxiliarist performing the line of duty investigation, is aware of the requirement to determine the causal connection between the Auxiliarist's injury or death and the duty being performed by the Auxiliarist. This action is particularly important in situations involving pre-existing medical conditions, such as heart problems.
	An investigation must be conducted by the Coast Guard order-issuing authority to determine if the Safety and Environmental Health Manual, COMDTINST M5100.47 (series), requires a Coast Guard Mishap Report.
K.8. Reporting of Accident or Incidents	Upon an accident or incident which occurs while assigned to duty, notification of the facts and circumstances must be made to the Director, the Coast Guard order-issuing authority, the DSO-LP and the Auxiliarist's personal insurance company as soon as possible.
K.8.a. Personally Owned Vehicle (POV) Third Party Liability	The Auxiliarist must submit a completed Report of Potential Third Party Liability Form (CG-4899) (with appropriate attachments) as soon as possible to the Director. Copies are also sent to the Coast Guard order-issuing authority, the DSO-LP, and the Auxiliarist's personal insurance company. The Director will make further

distribution of the report to other Coast Guard addressees as appropriate.

**K.8.b. Operator's
Report of Accident**

The driver of a Government motor vehicle (including a rental vehicle or a privately owned vehicle being used in the performance of official duties) involved in an accident, shall complete an Operator's Report of Motor Vehicle Accident (SF-91) and Data Bearing Upon Scope of Employment of Motor Vehicle Operator (Optional Form-26). A copy of the applicable forms shall be filed with the Director, and the original forwarded to the Coast Guard order-issuing authority within 48 hours of the accident.

**K. 9 Investigation of
Accidents or
Incidents**

Auxiliarists shall refer to the Coast Guard Claims and Litigation Manual, COMDTINST M5890.9 (series), and the following points regarding investigations of accidents or incidents:

- Each incident which results in, or is likely to result in, a third party claim shall be promptly investigated. Any evidence necessary to prosecute an affirmative claim by the U.S. or defend a claim against the U.S. must be preserved.
- A prompt investigation is the most important phase of the claims process. The investigation provides the basis for every step in the administrative settlement of a claim and the preparation for the defense or prosecution of a lawsuit. Without timely and thorough investigation, a Coast Guard settlement authority cannot decide who is liable and to what extent.
- Promptness is the key. With the passage of time, physical appearances change and witnesses may become forgetful. People may develop a biased view of the facts, or become reluctant to give statements or may even become unavailable because they can no longer be located.
- The sole purpose of a claims investigation is to find out the facts needed to properly settle a claim or defend or prosecute a lawsuit. Evidence should be gathered and recorded without regard to whether it may prove adverse or favorable to the U.S.
- Any copy of the State Boating Accident report, Coast Guard Boating Accident Report (CG-3865), police report, and motor vehicle or other Government accident reports should be included.