

Communicating Effectively with OWCP

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Objectives

Discuss types of communication

Address communicating effectively

- Understanding your audience
- Using elements of persuasion
- Creating clear concise statements based on factual information

Learn how to formulate a position paper

Gain credibility and confidence in preparing your communications

How do we communicate effectively?



How do we do that?



- OWCP seems like a “black box.”
- Phone calls and letters in/phone calls and letters out (and don't forget CE-Lync)
- EAs can't do your job without OWCP; OWCP can't do their job without you.
- The process inside the “black box” seems mysterious

Premise



- Help THEM help YOU.
- Align your Agency's interests with OWCP's interests.
- Understand OWCP's "individual" and "institutional" agendas
- Work in tandem with OWCP
- Be specific in identifying issues in need of resolution
- Request a specific action

Types of Communication

- Phone calls
- Letters/ Faxes
 - ECOMP
 - USPS
- Email
- CE Lin-Q



What Are We Communicating?

The Four Main Goals of Communication		
1.	To inform	Providing information for use in decision making, without advocating a specific course of action
2.	To request	Requesting a specific action from the receiver
3.	To persuade	Potentially reinforcing or changing the receiver's belief about a topic and inspiring action
4.	To build relationships	Opening lines of communication and building goodwill between you and the receiver

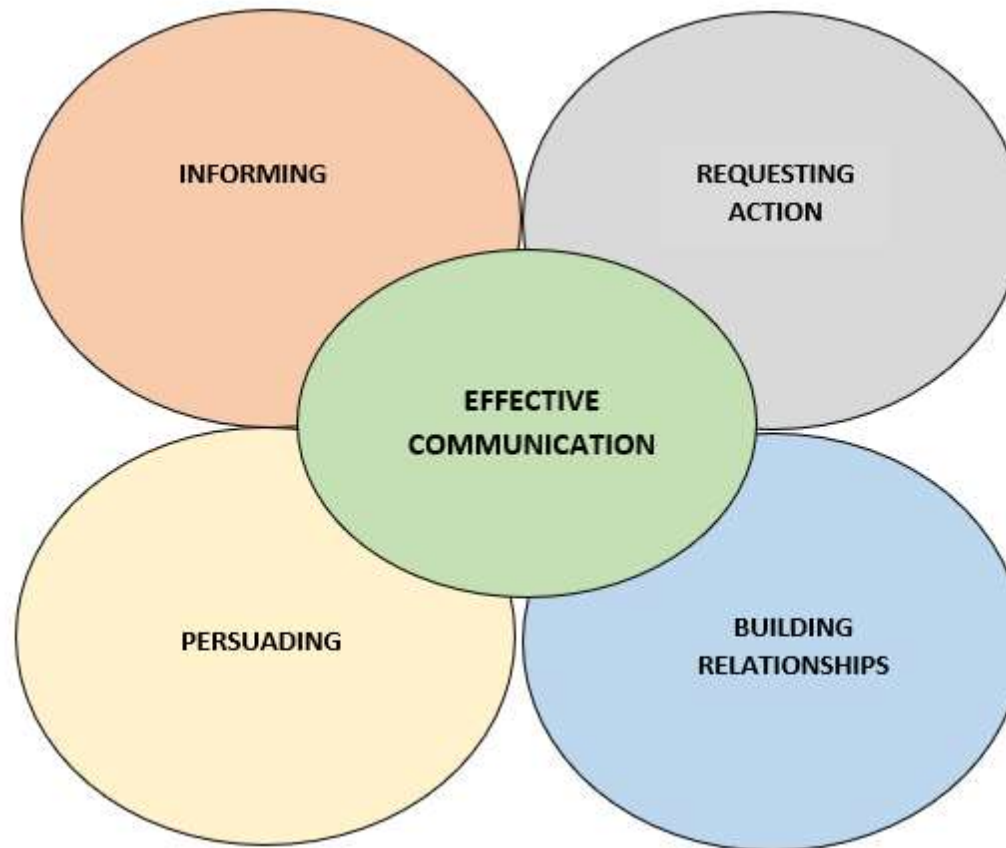
How do we communicate effectively? Examples



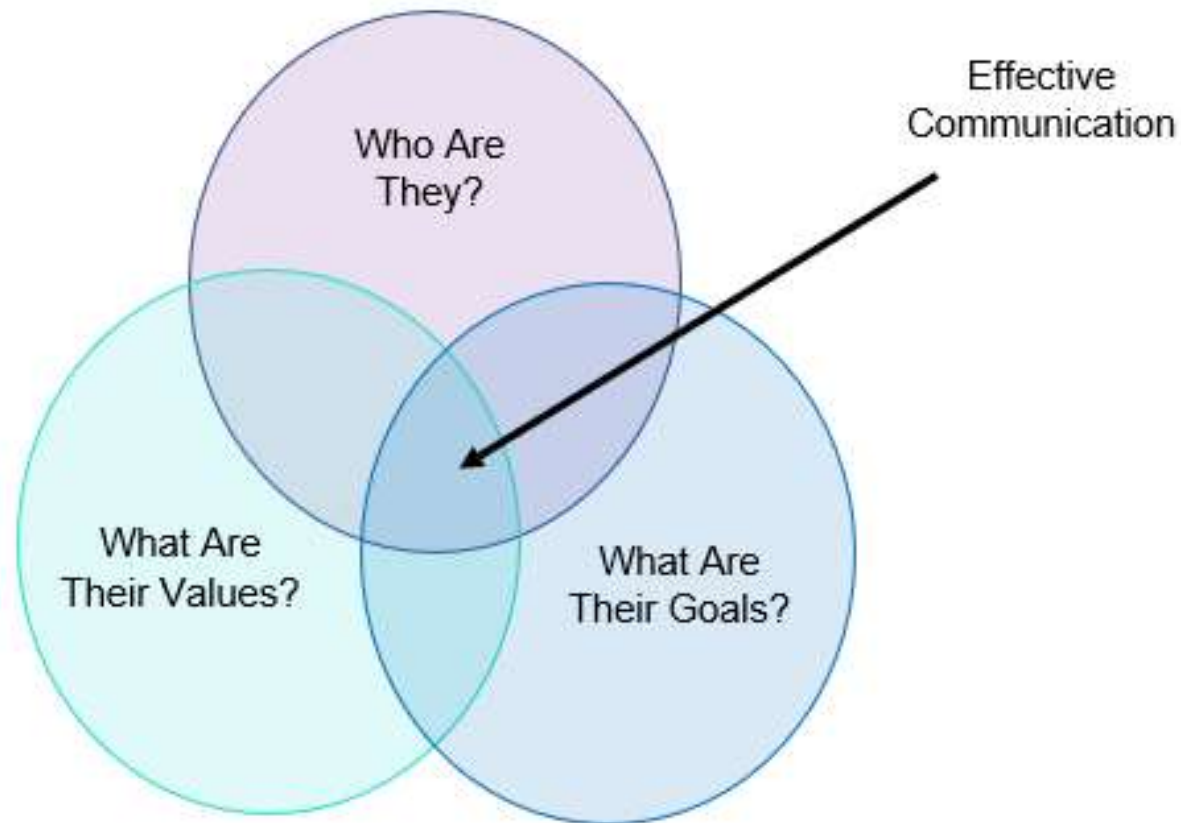
- Inform
- Request an action
- Persuade
- Build a relationship

Increasing Effective Communication

Know Your Goal



Increasing Effective Communication Know Your Audience



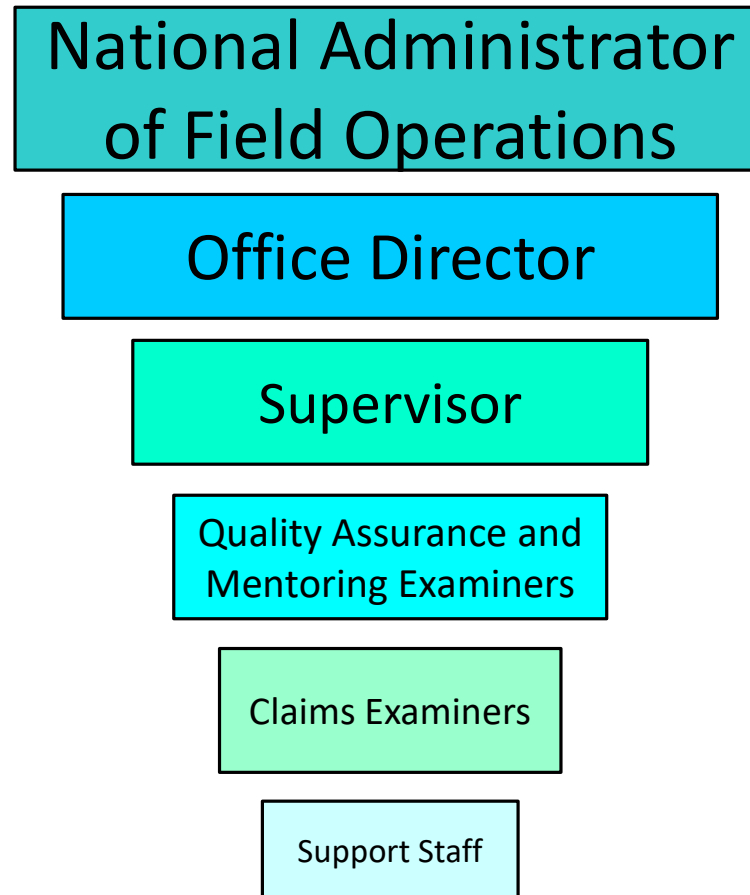
Who are we talking to?

Profile of a CE

- Who becomes a CE?
- Why?
- What kind of training do they get?
- What's the turnover?
Why?



Who are we talking to? Organization Chart



What are their values? Individual Agenda

Individual Agenda- *"Get 'er done"*

Ease and speed of action

"Making the numbers"

- CA-1/CA-2/CA-7
- Payment of Compensation
- Returning phone calls
- Development of existing claims



What are their values? Institutional Agenda

- Institutional agenda--"Do the right thing"
 - Fairness
 - Benefit of doubt
 - Appropriateness to situation
 - Inherent in the way the Act and Regulations are written

What are their values? Institutional Agenda

Timely decisions

Injury Claims

- 80 days on Traumatic Injury Claims*
- 90 Days for Occupational Disease Claims
- 180 Days for Extended Occupational Disease

Claims for Compensation

- 14 days to process or develop CA-7s

Speedy RTW

- Return to work in COP Period
- Quality Case Management (QCM)
 - ✓ Tracks cases for first 30 months, tracks RTW performance of CEs

What are their values? Institutional Agenda (Continued)

Providing EA Responses*

Mail indexed within 5 days

Returning 80% of calls within 2 business days

Answering 25% of live calls.

Replying to written inquiries within 30 days

Provide specific responses to correspondence

Why is this important?

- Aligning your requests with OWCP's agenda improves your chances for success
- You providing complete and timely information improves your chances for good, fast decision
- The more complex the issues *for them*, the slower actions will be

What are you writing about?

Examples:

- Request to change a case status
- Responses to correspondence
- Request for medical restrictions
- Third party subrogation
- Agency position paper
 - Controversion
 - Challenge
 - Response to an appeal

How do we communicate effectively?

The reality is that most listeners are thinking, "Why do I need to know this?" "Who cares?" and "What's in it for me?"

Magic Phrase #1: "So that you..."

Example: "We believe you should know about the circumstances surrounding this claim so that you can understand why we believe this claim may require closer scrutiny."

How do we communicate effectively?

Magic Phrase #2: "What this means to you is..."

Example: "We recognize that the fact Mr. X was about to be issued a 14 days suspension does not mean that his injury didn't happen. But what this means to you is that unusual care may be necessary in evaluating the probative value of his statement."

How do we communicate effectively?

Magic Phrase #3: "The reason this is so important is..."

Example: "Ms. Y was previously issued a Letter of Reprimand for failure to follow prescribed patient lifting procedures. The reason this is so important is that these procedures and extensive training were put into place to reduce the high incidence of workplace injuries we have had in the past, due to failure to follow proper lifting procedures."

Are you Writing to Inform?

When you write to inform, you are sharing what you know about a topic or subject with your audience.

- What does the audience know?
- What does the audience needs to learn?
- Put information in logical order
- Use examples, definitions, and descriptions to make the information clear

Examples of Informing

Which facts are relevant? How would you inform the CE? Would you want to inform?

- The employee was denied for vacation time 2 months ago, and filed a claim the Friday before her requested denied dates.
- The claim was not witnessed and safety can't replicate how it occurred.
- The physician places the employee off for 3 weeks with minor back sprain without objective findings.
- The employee states she can't wait to get away to her co-workers a few days before the injury.
- The employee owns two horses.
- The employees worked for the agency for 2 years and filed 5 claims so far for various issues.
- The employee hates her job and vocalizes it to her coworkers often.
- Employee posts on Facebook pictures of her vacation she went on while being disabled and states "I hope workers compensation pays for my time away from work".

Are you Writing to Persuade?

When you write to persuade, you want to convince someone else to do or think about something the way you do.

- Decide your position on a topic or subject
- Think of your reasons for that position
- Think about the contrary possible position of your audience
- Organize your arguments in a logical way
- Invite your audience to understand your position

Scenario for Writing to Persuade

How would you write this?

Your stance: You want the CE to take an action on this case. You want them to issue a pre-termination.

DOL's stance: He still has headaches and memory issues

Facts:

- This 79 year old gentleman
- Documentation shows pre-existing headaches/service connected
- Medical note concedes that the concussion related to the injury resolved
- Medical notes from prior to the injury show cluster headaches and memory issues
- During a period of work absence, unrelated to his injury and while caring for his spouse, he was taking care of his ill wife where his headaches increased.
- Medical records show he has long term testing for memory issues and his testing months after the injury were better than the last test taken
- Claimant was placed in a sedentary position prior to injury due to gait and concerns of his ability to do his EMS duties

What is credibility?

“Credibility” is the believability of a statement, action, or source, and the ability of the reader to believe that statement.

Whether writing to inform or writing to persuade, you have to establish credibility with the reader

Are you a credible writer?

- Do you present facts honestly, truthfully and objectively?
- Do you know what you're talking about?
- Do you substantiate the agency's position with factual evidence?
- Do you challenge or controvert every claim or claims with no basis?
- Do you embellish?
- Do you use unreliable sources or people who are biased?

Establishing credibility with the reader

- Requires true and accurate sources that support your position
 - Statistics/reports
 - Records
 - Pictures or video
 - Witness Statements from knowledgeable persons

Clear and Concise Statements

- Use words that will get attention (i.e. “observed”, “witnessed”, “participated”)
- Refer only to real events, not hypothetical ones
- Use specific examples/statements, not generalizations
- Avoid personal opinions or interpretations
- Avoid unrelated issues
- Address who, what, where, why, and how

Scenario for Establishing Credibility

Sue Smith is a dental hygienist who states that she partially tore a ligament on her finger by hitting it on a table. DOL accepted it for a partially torn ligament. In a recent search on her Facebook page she noted that she was again selected as a volunteer for the Honor Flight and later posted pictures of her with the veteran on this. The criteria for a volunteer for the Honor Flight was the ability to spend up to an 18 hour day, mental and physical support and the ability to lift up to 100 lbs, among other duties. She's claiming under workers compensation to be totally disabled after she was given restrictions and a light duty job offer and her physician took her out of work.

Pictures of the employee pushing the veteran in several shots using both hand up and down ramps were posted by her on her Facebook page.

We write a letter to DOL to question her disability and provide this information to DOL, asking them for assistance in this matter. The employee refutes that she worked or volunteered and quickly took the images down on her Facebook page.

Who's credible? What information could we have provided? Can we provide evidence that we get on Facebook and other media outlets? What can we do differently?

Pro-Tips

- Length – Keep the length to a minimum when possible
 - Helps keep audience attention
- Present facts:
 - Chronologic order
 - Bullets
 - Submit witness statements and/or factual evidence
- Choose your words wise
 - Don't use excessive words just to sound complicated, technical or knowledgeable
- Exclude personal, cultural and political viewpoints.
- Have a WC coworker proofread your position statement

Building a Position Paper

1. Foundation

- Opening/Introduction
- Gets the reader's attention & interest
- Provides necessary background information
- Clearly states why you are writing



Building a Position Paper

2. Main Structure:

- Body of the letter
- Logical, chronological organization of information
- Explains concisely the purpose of the position
- Provides factual evidence or information
- Tells the story



Building a Position Paper



3. Write Responsible Arguments

- Formulate and state your position carefully
- Provide **sound, objective or factual** evidence
- Strengthen your argument by courteously refuting points of disagreement
- Use narratives and chronologies

Cue words that signal “rationale”

- In light of
- As indicated by
- Given that
- As indicated by
- Demonstrated by
- May be inferred/deduced
- As a consequence of
- As shown in
- For the reason that
- On the basis of
- As evidenced by

Cue words that signal drawing a “conclusion”

- Therefore
- Demonstrates
- Hence
- As a result
- Strongly suggests
- Points to
- Consequently
- Indicates that
- Which (shows/proves)
- Allows us to infer
- Lends itself to
- It follows that

Building a Position Paper

4. Supporting Your Position

Employee Compensation Appeals Board (ECAB) rulings

- Support your position
- Paraphrase the ECAB and show the parallels or how it relates to your position
- Don't cite the entire ECAB decision

DFEC Procedure Manual (PM)

- Outlines the procedures the CE must follow
- Source of ECAB and regulatory references



Building a Position Paper

5. Closing



- Opportunity to show courtesy and respect
- Conclude by restating your position with a specific request for action/decision

Position Paper Example: Simple Request

CHANGE IN DEPENDENT STATUS WITH OVERPAYMENT

Dear Claims Examiner:

I am writing regarding the workers' compensation claim of John Doe, Case#: 55555555. Records indicate that on 01/01/2021, Mr. Doe's last child was no longer an eligible dependent.



1 Foundation

I reviewed Mr. Doe's CA-7 and CA-1032 forms and did not find any other qualifying dependents. Accordingly, we respectfully request that OWCP continue periodic roll benefits at the 2/3 single rate moving forward and declare a "no fault" overpayment, if appropriate.



*2 Build Credibility
3 Specific Request*

Thank you for assistance and the service you provide to our injured workers. Please advise of your case action within the next 30 days.



*4 Show Respect
5 Restate Request*

Sincerely,

Position Paper Example – Pre-Existing Condition

(Claimant date of injury was reported as 2/19/2016)

The medical evidence submitted dated January 19, 2016, which pre-dates the alleged date of exposure, shows that the employee suffers from Radiculopathy, Severe Degenerative Disc Disease and Chronic lower back pain. There is no history of any work factors or any relation of these conditions to any work functions performed by Mr. Smith.

There is a medical disability slip dated February 19, 2016 which indicates that the claimant suffers from low back sprain with bilateral sciatica, and states “work related” but does not offer any details as to what or how this is work related.

Position Paper Example – Pre-existing Condition (Continued)

There is further, a medical slip dated February 26, 2016, which offers that he was seen for “exacerbation of back pain” and that “His medical conditions include degenerative joint disease of the lumbar spine- multi-level disease, muscle spasms of the back muscles and spinal stenosis.” This offers no connection to any work activities or that any such exacerbation was the result of said incident of February 16, 2016.

Further, as you can see from a medical restrictions form dated January 19, 2016, the employee was restricted from “heavy lifting” as a result of long standing back issues. He willfully neglected these restrictions when he “overworked lifting and moving heavy filing cabinets and desks and other office furniture. In about 22 offices, in 1 day.” knowing his light duty status and knowingly going outside these restrictions to move heavy furniture in multiple rooms, over the course of said time, the agency believes this to be willful misconduct and there is a known intent to injure oneself with doing work outside of one’s physical ability and known health issues/restrictions.

Summary

In this course we have learned how to address communication effectively by:

- Understanding our audience
- Using elements of persuasion
- Creating clear, concise statements based on factual information
- Learning how to formulate a position paper
- Learning tools to help gain credibility and confidence in preparing communications

Disclaimer

While the subject matter presented here may be useful and interesting, results may vary. The instructors offer given no guarantee concerning the level of success you may experience, likelihood of achieving your desired results, and there is no double your money back guarantee.

The following advice is provided free of charge: Love what you do, help people, and laugh every single day.



Questions?

