# Privacy Act Systems - DOL/ESA-15

**SYSTEM NAME:**

Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Case Files.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210, and district offices of the Office of Workers' Compensation Programs set forth in the Appendix to this document.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees injured or killed while working in private industry who are covered by the provisions of the Longshore and Harbor Workers' Compensation Act, the Non-Appropriated Fund Instrumentalities Act, the Defense Base Act, the War Hazards Act, and the DC Workers' Compensation Act, referred to collectively herein as the Longshore and Harbor Workers' Compensation Act (LHWCA).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system may contain the following kinds of records: reports of injury by the employee and/ or employing agency; claim forms filed by or on behalf of injured employees covered under the LHWCA or their survivors seeking benefits under the LHWCA; forms authorizing medical care and treatment; other medical records and reports; bills and other payments records; compensation payments records (including section 8(f) payment records); section 8(f) applications filed by the employer; formal orders for or against the payment of benefits; transcripts of hearings conducted; and any other medical employer or personal information submitted or gathered in connection with the claim. The system may also contain information relating to dates of birth, marriage, divorce, and death, notes of telephone conversations conducted in connection with the claim; information relating to vocational and/or medical rehabilitation plans and progress reports; records relating to court proceedings, insurance, banking, and employment; articles from newspapers and insurance, banking and employment; articles from newspapers and other publications; information relating to other benefits (financial and otherwise) the claimant or employer may be entitled to; and

information received from various investigative agencies concerning possible violations of Federal civil or criminal law.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

33 U.S.C. 901 et seq. (20 CFR parts 701 et seq.); 36 DC Code 501 et seq.; 42 U.S.C. 1651 et seq.; 43 U.S.C. 1331 et seq.; 5 U.S.C. 8171 et seq.

**PURPOSE(S):**

To maintain records on the actions of insurance carriers, employers, and injured workers with respect to injuries reported under the Longshore and Harbor Workers' Compensation Act and related Acts, to ensure that eligible claimants receive appropriate benefits as provided by the Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those universal routine uses listed in the General Prefatory Statement to this document, disclosure of information from this system of records may also be made to the following individuals and entities for the purposes noted when the purpose of the disclosure is compatible with the purpose for which the information was collected:

a. The employer or its representatives, including third-party administrators, and/or any party providing the employer with workers' compensation insurance coverage since the employer and insurance carrier are parties-in-interest to all actions on a case, for the purpose of assisting in the litigation of the claim, at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness.

b. Doctors, pharmacies, and other health care providers for the purpose of treating the claimant, conducting medical examinations, physical rehabilitation or other services or obtaining medical evaluations.

c. Public or private rehabilitation agencies to whom the injured worker has been referred for vocational rehabilitation services so that they may properly evaluate the injured worker's experience, physical limitations and future employment capabilities.

d. Federal, state and local agencies conducting similar or related investigations to verify whether prohibited dual benefits were provided, whether benefits have been or are being paid properly, including whether dual benefits prohibited by federal law are being paid; salary offset and debt collection procedures including those actions required by the Debt Collection Act of 1982.

e. Labor unions and other voluntary associations from which the claimant has requested assistance in connection with the processing of the LHWCA claim.

f. Attorneys or other persons authorized to represent the interests of the LHWCA claimant in connection with a claim for benefits under the LHWCA, and/or a LHWCA beneficiary in connection with a claim for damages filed against a third party.

g. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate a taxpayer to collect, compromise, or write-off a Federal claim against such taxpayer; discharging an indebtedness owed by an individual.

h. Trust funds that have demonstrated to the OWCP a right to a lien under 33 U.S.C. 917, for the purpose of permitting the trust funds to identify potential entitlement to payments upon which the trust funds may execute the lien.

**Note:** Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

**Note:** Pursuant to 5 U.S.C. § 552a(b)(1), information from this system of records is disclosed to members and staff of the Office of Administrative Law Judges, the Benefits Review Board, the Office of the Solicitor and other components of the Department who have a need for the record in the performance of their duties.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Case files are maintained in manual files and magnetic tapes.

**RETRIEVABILITY:**

Case files are retrieved after identification by coded file number, which is cross-referenced to injured worker by name.

**SAFEGUARDS:**

Files are maintained under supervision of OWCP personnel during normal working hours. Files and magnetic tapes are maintained in locked offices after normal working hours. Confidential passwords are required for access to automated records.

**RETENTION AND DISPOSAL:**

Time retained varies by type of case, ranging from lost-time disability cases, in which records are destroyed 20 years after the case is closed, to other cases where the last possible beneficiary has

died, in which the records are destroyed 6 years and 3 months after the death of such beneficiary. "No Lost Time" cases are destroyed three years after the end of the fiscal year during which the related report was received.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director for Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; and District Directors at the district offices set forth in the Appendix.

**NOTIFICATION PROCEDURE:**

Requests, including name, date of injury, employer at time of injury, and case file number, if known, should be addressed to the system manager listed above, at the office where the case is located.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to records should contact the system manager indicated above.

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to contest the contents of a record should contact the appropriate System Manager.

**RECORD SOURCE CATEGORIES:**

Information is obtained from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities, educational institutions, attorneys, and State, Federal, and private vocational rehabilitation agencies.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.