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How does OWCP handle liens in FECA cases?

If someone's actions caused your work injury, or caused you to be further injured during the workers compensation process, you may have a "third party" case against them. You should consult a lawyer. These are complex and sometimes very expensive cases to pursue. There are also legal time limitations that, if you miss, would cause you to be unable to pursue your claim. OWCP has rights to share in any recovery and, if you fail to pursue a claim, or fail to notify OWCP that you are pursuing a claim, there are very serious penalties.

When a third party claim has been resolved, there is a worksheet that needs to be completed by your lawyer. There are two versions of the lien worksheet that can be found on the OWCP website:

<http://www.dol.gov/owcp/regs/compliance/ca-1108.pdf>

<http://www.dol.gov/owcp/regs/compliance/ca-1122.pdf>

OWCP's regulations covering liens and subrogation in the FECA process are at 20 CFR §10.705 - 20 CFR §10.719 - and can be found here:

<https://www.ecfr.gov/cgi-bin/text->

[idx?c=ecfr&SID=c131552afa82be329e42e2c9d62a41c8&rqn=div5&view=text&node=20:1.0.1.2.2&idno=20%23sg20.1.10_1704.sg31](https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=c131552afa82be329e42e2c9d62a41c8&rqn=div5&view=text&node=20:1.0.1.2.2&idno=20%23sg20.1.10_1704.sg31)

OWCP's procedure manual section dealing with liens and subrogation in the FECA process can be found at Chapter 2-1100 of the FECA PM:

<http://www.dol.gov/owcp/dfec/regs/compliance/DFECfolio/FECA-PT2/group5.htm#21100>

If you are injured by a third party, and you are being told by lawyers that it is not a viable case, you need to get that in writing, submit a copy of such letters to your workers comp file, and tell OWCP that you cannot locate a lawyer willing to take your case.

Keep in mind that OWCP does not have a claim against what are called first party benefits. This refers to insurance you (the first party) have paid for such as the UM / UIM coverage from your auto insurance.

Also keep in mind that OWCP will allow up to 25% of the settlement of a third party case to be apportioned to your spouse, and up to 5% per dependent child capped at 15%, to be excluded from the lien.

Resolution of lawsuits and liens involves highly technical issues that can create problems even for lawyers. A layperson should NOT try to handle these matters themselves as there are just too many risks and pitfalls.

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