



FWS Workers' Compensation Case Files

Retention and Disposition

What are FWS workers' compensation case files (case files)?

They are a *temporary* records system that the the Regional/Headquarters (HQ) Injury Compensation Specialists (ICS) maintain.

Who owns the FWS case files?

They are the property of the Department of Labor's Office of Workers' Compensation Programs (OWCP). Both OWCP and the ICS keep a case file. Both sets of files represent a system of records that remains under OWCP's jurisdiction.¹

Why must ICSs maintain case files at their offices?

U.S. regulations state that agencies must keep a record of injuries and accidents to their employees whether or not they result in loss of time or payment of benefits.²

What is the benefit of having case files at the ICS office?

They enable the ICS to effectively manage claims by allowing him/her to:

- A. Have pertinent copies of claim forms, medical reports, correspondence with OWCP, etc.;
- B. Maintain original documentation for audit purposes;
- C. Ensure that employees receive their rightful benefits, overseeing fair and equitable coverage; and
- D. Ensuring that the Service is protected from fraud and abuse.

Are the case files subject to the Privacy Act?

Yes, case files are protected by the Privacy Act and must be secured at all times.

Who can have access to case files?

Only the ICS and the Bureau Injury Compensation Program Manager may work with and inspect case files. Anyone else must contact the [OWCP District Office](#) of jurisdiction to request copies from the original files maintained there.

In what kind of file system should ICSs maintain case files?

They should maintain case files in folders separate from the Employee Medical Folder or Official Personnel Folder.

How long must the material in the case files be maintained?

The OWCP Records Retirement Schedule requires that the case file material be maintained for 2 years after case closure.³

¹ 20 CFR 10.11

² 5 U.S.C. 7902.e.1

³ OWCP Pub CA-810, 9.4B

What should the ICS do with materials that reach the 2-year cut-off date?

They should archive them in a file system separate from active files.

When can the ICS destroy or retire case files?

DOL/GOVT-1 requires all case files pertaining to a claim be destroyed *15 years* after the case file has become inactive resulting in case closure.⁴

Who destroys eligible case files?

The ICS must ensure case files undergo a thorough review and dispose of the case file materials.

How does the ICS destroy eligible case files?

A. Those temporary records ready for destruction, with sensitive information regarding claimants or their conditions, along with other information not suitable for public consumption, must be shredded, burned, or permanently erased.

B. Copied duplicates of originals can be destroyed in house.

C. Some administrative records and any information that is already public can be recycled.⁵

Are any materials in case files exempt from destruction?

Yes, original documents maintained in case files must not be destroyed. These include:

A. Original CA-1 and CA-2 forms maintained in the file for audit purposes, and

B. Original wage loss compensation forms, or documents that were faxed to OWCP for processing when the original was not sent to OWCP.

What does the ICS do with materials that are exempt from destruction?

They must archive them in a file system separate from active files. The ICS also can work with OWCP to make arrangements to transfer them to OWCP.

How does the ICS track case files that have been destroyed or retired?

The ICS should maintain a log of case files they destroy or retire. The log should allow him/her to capture enough pertinent information to show that the case existed and how it was disposed.

Why is records destruction/retirement important?

Space considerations dictate the need for a paper records disposal strategy.

Is there a Records Control Schedule for the Service?

Refer to the *FWS Agency - OWCP Case Files Records Disposition Schedule* below for a more concise breakdown.

⁴ DOL/GOVT-1

⁵ OWCP Procedure Manual, PT 1; Chapter 1-0300 Records Management

FWS Records Control Schedule

Injured on Duty - Employee Injury/Disease

Office of Workers' Compensation Program (OWCP) FWS Case Files

Case Folder: Workers' compensation case files should be maintained in file folders separate from the Employee Medical Folder (EMF) or Official Personnel Folders (OPF). Case folders should be individually labeled as follows:

Last name, First I.

xxx-xx-1234
Anywhere NWR, ST

DOI: 01/02/2011

Case # 123456789

Files should contain, at a minimum:

1. Agency Query System (AQS) Injured Worker Case Query.
2. Print outs of SMIS modules (for reporting/audit purposes); originally signed CA-1 or CA-2.
3. A signed Volunteer Services Agreement (if applicable).
4. Copies of all other forms in item 1 of the following records disposition schedule.

FWS Agency Case Files Records Disposition Schedule

Item No.	Description of Records	Disposition
1	Copies of Department of Labor OWCP claims forms (with the exception of item #2), medical information, and other supporting documentation to include correspondence, payment, and accounting records.	TEMPORARY. Cut off files 2 years after case closure or time expires on filing a claim, and move to inactive file. Destroy 15 years after case closure
2	Original OWCP forms CA-1, CA-2, CA-7, CA-7a	PERMANENT. Cut off files 2 years after case closure and move to inactive file. Retire 15 years after case closure to OWCP District Office of jurisdiction for destruction or transfer to National Archives with original OWCP case file.