



UNITED STATES POSTAL SERVICE  
ROOM 9014  
475 L'ENFANT PLAZA SW  
WASHINGTON DC 20260-4100  
TEL (202) 268-3816  
FAX (202) 268-3074

M-01087

OFFICE OF THE  
ASSISTANT POSTMASTER GENERAL  
LABOR RELATIONS DEPARTMENT

Mr. Vincent R. Sombrotto  
President  
National Association of Letter  
Carriers, AFL-CIO  
100 Indiana Avenue, N.W.  
Washington, DC 20001-2197

Re: H7N-5K-C 31951  
K Alger  
West Jordan UT 84084

Dear Mr. Sombrotto:

On December 3, 1991, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

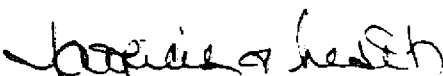
The issue in this grievance is whether forms CA-16, Request for Examination and/or Treatment, must be maintained at the West Jordan Post Office.

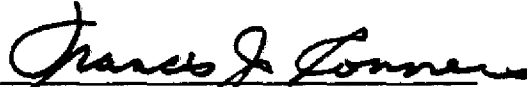
During our discussion you were advised that the West Jordan installation now has forms CA-16 on hand and will maintain an adequate supply. The issue is considered moot.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement to close this case.

Time limits were extended by mutual consent.

Sincerely,

  
Timothy J. Arntz  
Grievance and Arbitration  
Division

  
Mr. Vincent R. Sombrotto  
President  
National Association of  
Letter Carriers, AFL-CIO

Date: 4/20/92



# National Association of Letter Carriers

100 Indiana Ave., N.W.  
Washington, D.C. 20001

## Memorandum

Telephone:  
(202) 393 4695

From the Desk of HERBERT A. DOYLE, JR.

July 30, 1991

To: Lawrence G. Hutchins, Vice President

Subject: USPS Maintenance of Supply of Basic OWCP "CA" Forms,  
West Jordan, UT Grievance (NALC System #3759,  
USPS #W7N-5K-C-31951)

I have reviewed the file you sent to me on July 26, 1991 and have the following comments:

- The pertinent OWCP regulations (copies attached) are:
  - 20 CFR 10.20 (a) - This provides in part that "Supervisors are expected to maintain an adequate supply of basic forms needed for the proper recording and reporting of injuries." Paragraph (b) provides a list of basic forms.
  - 20 CFR 10.402 (a) - This provides in part that "When an employee sustains a job-related injury which may require medical treatment, the designated agency official shall promptly authorize such treatment by giving the employee a properly executed CA-16 within 4 hours."
- The pertinent portions of ELM Subchapter 540 are:
  - 541.3 - This specifies that "Each installation head must maintain an adequate supply of the following basic forms...."
  - 545.212 - This states "In cases where Form CA-16 is used, the designated postal official must promptly authorize medical treatment by issuing the employee a properly executed Form CA-16 within 4 hours."
- Other OWCP regulations and portions of the ELM provide time limitations on the submission of Forms CA-1 and CA-2 (and certain other CA forms) once they are completed by the employee.
- The West Jordan grievance appears to turn primarily on whether West Jordan is an installation. If it is an installation then it must maintain an adequate supply of

Lawrence G. Hutchins  
July 30, 1991  
Page two

OWCP basic forms or it is not in compliance with OWCP regulations and 541.3 of the ELM.

- If it is not an installation, then the installation head responsible for West Jordan should be required to meet the expectations of OWCP cited above (i.e., "Supervisors are expected to maintain an adequate supply of basic forms....") and to insure that Form CA-16 can be issued within the 4-hour requirement specified by OWCP's regulations and the ELM.

Please call me if I can be of any further assistance regarding this grievance.

HAD/msp  
opeiu #2  
Attachments (2)

## § 10.10

20 CFR Ch. I (4-1-88 Edition)

## INFORMATION IN PROGRAM RECORDS

## § 10.10 Custody of records relating to Federal Employees' Compensation Act matters.

All records, medical and other reports, statements of witnesses and other papers relating to the injury or death of a civil employee of the United States or other persons entitled to compensation or benefits from the United States under the Act and all amendments and extensions thereof, are the official records of the Office and are not records of the agency, establishment or department making or having the care or use of such records.

[52 FR 10504, Apr. 1, 1987]

## § 10.11 Confidentiality of records relating to Federal Employees' Compensation Act matters.

Records of the Office pertaining to an injury or death are confidential, and are exempt from disclosure to the public under section 552(b)(6) of Title 5, United States Code. No official or employee of an agency, establishment or department who has investigated or secured statements from witnesses and others pertaining to a claim for benefits, or any person having the care or use of such reports, shall disclose information from or pertaining to such records to any person, except in accordance with applicable regulations (see 29 CFR 70 and 70a).

[52 FR 10505, Apr. 1, 1987]

## § 10.12 Protection, release, inspection and copying of records.

(a) The protection, release, inspection and copying of records of the Office pertaining to an injury or death shall be accomplished in accordance with the rules, guidelines and provisions contained in 29 CFR Parts 70 and 70a and the annual notice of systems of records and routine uses as published in the **FEDERAL REGISTER**. However, since the records of the Office are contained within a government-wide system of records under the control of the Department of Labor, 29 CFR 70a.1(b)(3) provides that the regulations of the agency in possession of such records shall govern the procedure for requesting access to, or amendment of the records, including initial determinations on such requests, while the Department of Labor regulations shall govern all other aspects of safeguarding these records established by the Privacy Act. Where requested to amend such records in possession of the agency is received, the agency shall so advise the Office and shall provide the Office with a copy of any amended record.

(b) Records of the Office pertaining to an employee or beneficiary which are in the possession of the employing agency may be released by the employing agency to that employee or beneficiary, or their representative, in accordance with the provisions contained in 29 CFR Part 70a. This includes copies retained by the employing agency of records previously submitted to and in the possession of the Office.

(c) When an employee or beneficiary is prosecuting an action for damages under 5 U.S.C. 8131, records may be released as provided for in 29 CFR Part 70a.

[52 FR 10505, Apr. 1, 1987]

## MISCELLANEOUS PROVISIONS

## § 10.20 Forms.

(a) Notice of injury, claims and certain specified reports required to be made with respect to any claim shall be made on approved forms as are prescribed by the Office. Supervisors are expected to maintain an adequate supply of the basic forms needed for the proper recording and reporting of injuries. Pamphlet CA-136, obtainable from OWCP, lists the forms to be stocked by the agencies; and also tells where the forms may be obtained.

(b) The basic forms cited in this chapter are:

Form No.	Title
(1) CA-1.....	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.
(2) CA-2.....	Notice of Occupational Disease and Claim for Compensation.
(3) CA-2a.....	Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation.

a matter other than that provided in this subpart.

[49 FR 18978, May 3, 1984]

**§ 10.402 Official authorization for treatment.**

(a) When an employee sustains a job-related injury which may require medical treatment, the designated agency official shall promptly authorize such treatment by giving the employee a properly executed CA-16 within 4 hours. Form CA-16 shall be used primarily for traumatic injuries. It may also be used to authorize examination and treatment for disease or illness, but only if the designated agency official has obtained prior permission from the Office.

(b) To be valid, a Form CA-16 must give the full name and address of the duly qualified physician or duly qualified medical facility authorized to provide service, and must be signed and dated by the authorizing official, and must show his or her title. Except as provided in § 10.404, Form CA-16 may not be issued for past medical care. The period for which treatment is authorized by a correctly issued Form CA-16 is limited to 60 days from the date of issuance, unless terminated earlier by the Office. Further, in view of the provisions of § 10.401(b), the employing agency may not use Form CA-16 to authorize a change of physicians.

(c) In determining the use of medical facilities, consideration must be given to their availability, the employee's condition, and the method and means of transportation. Generally, 25 miles from the place of injury, the employing agency, or the employee's home, is a reasonable distance to travel, but other pertinent factors must also be taken into consideration.

[49 FR 18979, May 3, 1984]

**§ 10.403 Medical treatment in doubtful cases.**

Cases of doubtful nature, so far as compensability is concerned, shall be referred by the designated agency official to a United States medical official or hospital, or at the employee's option, to a duly qualified private physician or a duly qualified hospital des-

ignated or approved by the Office, or as otherwise provided in this part, using a Form CA-16 for medical services as indicated in 6B of the form. This authorizes the necessary diagnostic studies and emergency treatment pending receipt of advice from the Office. A statement of all pertinent facts relating to the particular case shall also be forwarded immediately to the Office for consideration. If the medical examination or other information received subsequent to the issuance of authorization for treatment discloses that the condition for which treatment was rendered is not due to an injury, the person issuing the authorization shall immediately notify the employee and the physician or hospital that no further treatment shall be rendered at the expense of the Office. In cases of an emergency or cases involving unusual circumstances, the Office may, in the exercise of its discretion, authorize treatment otherwise than as provided for in this part, or it may approve payment for medical expenses incurred otherwise than as authorized in this section. No authority for examination or for medical or other treatment shall be given by the designated agency official in any case already disallowed by the Office.

[49 FR 18979, May 3, 1984]

**§ 10.404 Emergency treatment.**

In cases of traumatic injury where emergency treatment is necessary, any duly qualified physician may render initial treatment. If oral authorization for such treatment is given by the designated agency official, a Form CA-16 shall be issued within 48 hours thereafter. If further treatment is necessary, authorization therefor shall be requested as soon as practicable in accordance with § 10.402 of this part. It is the duty of the designated agency official to authorize initial medical treatment for acute injuries, exclusive of disease or illness, and to transfer the employee at the employee's option to the care of a local U.S. medical officer or hospital or to a duly qualified private physician or a duly qualified hospital designated or approved by the Office for any subsequent treatment



# National Association of Letter Carriers (AFL-CIO)

M-01087

## APPEAL TO STEP 4

DATE **June 26, 1991**

FROM **NATIONAL BUSINESS AGENT**

SENIOR ASSISTANT POSTMASTER GENERAL  
EMPLOYEE AND LABOR RELATIONS  
UNITED STATES POSTAL SERVICE  
WASHINGTON D.C. 20260

**Jim Edgemon**  
PO Box 84386  
Vancouver, WA 98684

CARRIER	REGIONAL NO	GRIEVANT (OR CLASS)	POST OFFICE
	<b>W7N-5K-C-31951</b>	<b>Kim Alger</b>	<b>Salt Lake City, UT</b>

DEAR SIR SINCE  NALC  USPS BELIEVE(S) THIS CASE INVOLVES AN INTERPRETIVE ISSUE UNDER THE NATIONAL AGREEMENT (OR SOME SUPPLEMENT THERETO OF GENERAL APPLICATION). I AM APPEALING THE ABOVE-CAPTIONED CASE TO STEP 4 OF THE GRIEVANCE PROCEDURE, PURSUANT TO ARTICLE XV, SECTION 2, OF THE NATIONAL AGREEMENT

DATE STEP 3 DENIAL RECEIVED: **June 24, 1991**

STEP 3 DECISION RENDERED BY **Richard A. Snider, Regional Labor Relations Executive**

VIOLATION INCLUDING BUT NOT LIMITED TO  
**Articles 3, 19, 31  
ELM 545.21, 543.11, 541.3**

CORRECTIVE ACTION REQUESTED  
**Immediately provide a sufficient quantity of all  
OWCP forms to the West Jordan, Utah post office and  
further, provide the grievant with a copy of the  
OWCP denial.**

DESIGNATED NALC REPRESENTATIVE AT STEP 4: **Contract Administration Unit**

### Enclosures:

- 1. Standard Grievance Form**
- 2. Step 2 Decision**
- 3. Step 3 Decision**

SINCERELY YOURS,

NATIONAL BUSINESS AGENT

CC: REGIONAL DIRECTOR FOR ELR  
NATIONAL OFFICER, NALC  
BRANCH PRESIDENT, NALC

NATIONAL OFFICE COPY





M-01087

UNITED STATES POSTAL SERVICE  
Western Regional Office  
San Bruno, CA 94089-0001

June 18, 1991

RECEIVED

JUN 24 1991

JIM EDGEMON, NBA  
National Association Letter Carriers

Mr. Jim Edgemon  
National Business Agent  
NALC, AFL-CIO  
P. O. Box 84386  
Vancouver, WA 98684-0386

West Jordan UT 84084-9998  
NALC/K ALGER  
W7N-5K-C 31951  
(LOC# 25-91)

Dear Mr. Edgemon:

This will acknowledge a Step 3 meeting between you and myself on June 14, 1991 relative to the above referenced grievance.

It is management's position that the issuance of Form CA-16 is as noted Part 541.2 and 544.16 of the Employee and Labor Relations Manual. Therefore the decision to have the grievant obtain the requested form from the designated "Control Point" was proper.

Based upon the above, this grievance is denied.

In my judgment, the grievance does not involve any interpretive issue(s) pertaining to the National Agreement or any supplement thereto which may be of general application. Unless the Union believes otherwise, the case may be appealed directly to Regional Arbitration in accordance with the provisions of Article 15 of the National Agreement.

Sincerely,

Richard A. Snider  
Regional Labor Relations Executive

cc: Field Division, General Manager/Postmaster(SLC)  
Field Director, Human Resources (SLC)  
Manager, Labor Relations(SLC)  
Postmaster: West Jordan UT 84084  
File



NATIONAL ASSOCIATION OF LETTER CARRIERS (AFL-CIO)

M-01087

GRIEVANCE APPEAL TO 3

DATE May 7, 1991

REGIONAL DIRECTOR, EMPLOYEE AND LABOR RELATIONS  
UNITED STATES POSTAL SERVICE Western  
850 Cherry Ave  
San Bruno, California 94099

FROM BRANCH PRESIDENT  
Mr. Joe Wood, President  
NALC Branch 111  
2261 S. Redwood Road #14  
Salt Lake City, Utah 84119-133-

BRANCH GR # 25-91	GRIEVANT'S NAME Kim Alger/Class	GRIEVANT'S S.S. # [REDACTED]	JOB CLASSIFICATION Letter Carrier	STATION West Jordan Post Office
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PURSUANT TO ARTICLE XV, SECTION 2 OF THE NATIONAL AGREEMENT, WE HEREBY APPEAL TO STEP 3 THE DECISION AT STEP 2 OF THE POSTMASTER OR DESIGNEE Mr. Merling Wright, Postmaster OF THE West Jordan Post Office INSTALLATION, RENDERED ON April 26, 1991 AND RECEIVED ON April 29, 1991

ATTACHMENTS (CHECK):  STANDARD GRIEVANCE FORM  STEP 2 DECISION  UNION CORRECTIONS OR ADDITIONS TO STEP 2 DECISION (IF FILED)

THE FOLLOWING INFORMATION WILL HOPEFULLY ASSIST THE PARTIES IN QUICKLY RESOLVING THIS PROBLEM. TO DISCUSS THIS GRIEVANCE FURTHER, KINDLY CONTACT OUR NATIONAL BUSINESS AGENT Mr. Jim Edgemon

AT (ADDRESS) P. O. Box 84386 OR BY PHONE 206-892-6545  
Vancouver, Wa. 98684

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART. & SECT.) 3-19-31 LOCAL (ART. & SECT.) \_\_\_\_\_  
OTHER GROUNDS: E & L R Manual section 545.21 OWCP Rules and regulations

REASONS FOR APPEAL: The grievant requested OWCP Claim Forms approximately a month ago and has  
been getting the "run around". Local Management indicates that the Post Office OWCP personnel  
at the GMF control all forms.

The Union Contends: All pertinent forms must be made available to all employees, especially  
those dealing with a traumatic injury. Specifically the form CA-16 is being denied and  
controlled by the GMF at the OWCP office, stating that only four people have the authority  
to approve payments utilizing CA-16's, which is in violation of the E & LR manual whereas  
the service must provide the CA-16 within 4 hours of a traumatic injury, to the employee

CORRECTIVE ACTION REQUESTED: That the service provide all OWCP forms to employees at their respec-  
tive Post Offices. This to include the CA-1, CA-2, CA-8, CA-16 and CA-17 etc....  
This to certainly include the CA-16.

CC: NATIONAL BUSINESS AGENT, NALC  
POSTMASTER

Joe Wood  
BRANCH PRESIDENT/DESIGNEE

SIGNATURE

GRIEV-4 (REV. 1981)



U S POSTAL SERVICE  
WEST JORDAN UT 84084-9998

DATE: April 26, 1991  
SUBJECT: Griev. #25/91  
TO: Joe Wood  
NALC Branch 111  
2261 South Redwood Rd  
Salt Lake City, UT 84119

Forms CA-16 are currently being controlled by the Salt Lake Injury Compensation office. All CA-16's were recalled from Associate Offices. I have no local control for issuing the Forms CA-16 nor the authority to change the Divisiona policy.

Sincerely,

*Merlin L. Wright*  
Merlin L. Wright  
Postmaster  
West Jordan, UT 84084-9998



# NATIONAL ASSOCIATION OF LETTER CARRIERS (AFL-CIO)

Pursuant to Article XV, Section 2, this form must be used to appeal a grievance to Step 2.

M-01087

DATE	
NALC INITIALS	USPS INITIALS

## STANDARD GRIEVANCE FORM

DATE Mar 28, 91		BRANCH GRIEV NO 25/91	USPS NO
TO: USPS STEP 2 DESIGNEE (NAME & TITLE) Merlin Wright, Postmaster		INSTALLATION West Jordan, Utah	PHONE—OFFICE 255-4022
FROM: BRANCH NO 111	BUSINESS ADDRESS 2261 So. Redwood Rd, Salt Lake City, Utah 84119		
STEP 2 AUTHORIZED UNION REP Joe Wood, President Branch 111, NALC		PHONE—OFFICE 973-6705	PHONE—OTHER 530-5903
STEP 1 MEETING: HELD ON (DATE/TIME) March 21, 91	BETWEEN USPS REPRESENTATIVE Jerry Bindley	AND GRIEVANT	STEWARD Stan Chronister
GRIEVANT'S NAME (OR CLASS) Kim Alger			PHONE 967-1920
HOME ADDRESS 5685 South 4580 West		CITY Kearns	STATE Utah
		ZIP 84118	
JOB CLASSIFICATION CityLetter Carrier	CRAFT SENIORITY DATE Feb 28, 84	USPS SENIORITY DATE Feb 28, 84	DUTY HOURS 0600-1450
STATION OR BRANCH West Jordan	SOCIAL SECURITY NO	VETERAN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
OFF DAYS <input checked="" type="checkbox"/> ROTATING	FIXED—CHECK AS APPLICABLE	SA <input type="checkbox"/> SU <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> TH <input type="checkbox"/> F	LEVEL 5
			STEP L
			REG X
STEP 1 DECISION Mar 21, 91	RENDERED ON (DATE/TIME)		BY (NAME & TITLE) Jerry Bindley, Supervisor
			SUPERVISOR'S INITIALS (UPON REQUEST)

PURSUANT TO ARTICLE XV OF THE NATIONAL AGREEMENT, WE HEREBY APPEAL TO STEP 2 THE FOLLOWING GRIEVANCE

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART & SECT) Art 3,19,31 LOCAL (ART. & SECT.)

OTHER GROUNDS: ELR - Sec 540 OWCP Rules and Regulations

FACTS: WHAT HAPPENED The grievant requested OWCP Claim Forms approximately a month ago and has been getting the run around. Local Management indicates that the Post Office OWCP personnel at the GMF control all the forms,

ADDITIONAL SHEET ATTACHED

WHY CONTENTIONS: REASONS FOR GRIEVANCE All OWCP Forms should be readily accessible to employees according to Federal Law. Barbara Lewis refused to give Forms to the grievant because OWCP had denied the claim.

ADDITIONAL SHEET ATTACHED

CORRECTIVE ACTION REQUESTED: Immediately provide a sufficient quantity of all OWCP Forms to the West Jordan Post Office and further provide the grievant with a copy of the OWCP denial.

BY PRESIDENT/DESIGNEE Joe Wood

SIGNATURE