

Initial Denial



Initial Denial

Burden of Proof:

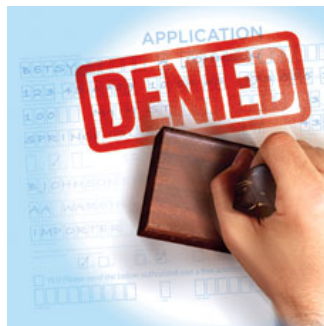
- The claimant has the burden to establish the components of his/her claim.
- However, the Office of Workers' Compensation Programs (OWCP) is not a disinterested arbiter.
- Thus OWCP shares in the responsibility to establish the claim if *prima facie* evidence has been established.



Initial Denial

If OWCP denies an initial claim, a formal denial will be issued. The decision will contain the following:

- describe the nature of the injury;
- summarize the evidence initially submitted with the claim and provide an explanation as to why it was deficient;
- summarize what was requested upon development;
- describe all evidence received after development;
and
- explain why the evidence is insufficient to support the claim.



Initial Denial

- A denial decision should describe which of the five basic elements have or have not been met, the specific element upon which the claim is being denied, and a clear discussion of the necessary evidence to support the claim.
- Formal denials must include appeal rights!
- Someone unfamiliar with the case should be able to read the decision, and understand how the claimant was injured, what was claimed, what evidence was submitted with the claim, and why it was insufficient to accept the claim.

Questions

If prima facie evidence has not been submitted, who has the burden to establish the 5 basic elements of a claim?

- a) The injured employee
- b) The employing agency
- c) The Office of Workers' Compensation Programs

Questions

All formal denials must include appeal rights.

- a) True
- b) False

Take Away Tips

- 1) The claimant has the burden to establish the components of his/her claim.
- 2) OWCP shares in the responsibility to establish the claim if *prima facie* evidence has been established.
- 3) A denial decision will describe which of the five basic elements have or have not been met, the specific element upon which the claim is being denied, and a clear discussion of the necessary evidence to support the claim.