



Expectations for Representatives Appearing Before the Office of Workers' Compensation Programs

Presented by:

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Summary

- The Office of Workers' Compensation Programs (OWCP) has adopted a **set of expectations** regarding the conduct of representatives who interact with OWCP staff.
- OWCP strongly **respects and values** the role of attorney and non-attorney representatives who help injured and ill workers apply for benefits from OWCP programs.
- The intent is to **respond to inappropriate behavior** on the part of a small percentage of representatives and to **generally clarify and ensure a common understanding** of how party/claimants should conduct themselves in dealings with OWCP.
- The expectations **apply to claimants and representatives** who interact with any divisions within OWCP. These divisions include Federal Employees' Compensation, Black Lung, Longshore, and Energy programs.





Development of Expectations

- In July 2021, OWCP formed a 20-member working group from across all OWCP divisions.
- The mission of the working group was strongly supported by DOL leadership
- The expectations were developed based on the findings and input of three subgroups:
 - ❖ Authority and Enforcement
 - ❖ Standards and Comparisons
 - ❖ Instances and Examples
- They were published in the Federal Register on November 7, 2022.



[Expectations for Representatives Appearing Before the Office of Workers' Compensation Programs, 87 Fed. Reg. 67075-67076 \(November 7, 2022\)](#)



ACUS Project

- Administrative Conference of the United States (ACUS) launched project on "Regulation of Representatives in Agency Adjudicative Proceedings" in 2021
- Offered **best practices** for agencies to consider when developing rules governing the participation and conduct of attorneys and non-attorneys who represent parties in adjudicative proceedings.
- Promote **accessibility, fairness, integrity, and efficiency** in agency adjudicative proceedings.

[Regulation of Representatives in Agency Adjudicative Proceedings | Administrative Conference of the United States \(acus.gov\)](#)



Purpose and Scope

- OWCP strives to treat all claimants, parties and their representatives with **courtesy and respect**, and **prohibit discrimination and/or harassment** against their employees based on protected characteristics.
- OWCP expects that claimants, parties and their representatives will extend that same courtesy and respect to OWCP employees.
- In light of this expectation, all attorneys and other persons authorized to act on behalf of a party/claimant should both provide **competent assistance** to the party/claimant and recognize OWCP's authority to lawfully administer the process.
- OWCP expects all representatives to adhere to the guidelines.



Expectation of Affirmative Conduct

- Be **truthful in dealings** with claimants, other parties, and with OWCP and its programs.
- Act with **reasonable promptness** to assist the party/claimant with obtaining the information or evidence that must be submitted under OWCP's regulations and forwarding the information or evidence to OWCP for consideration as soon as practicable.
- Assist the party/claimant in complying, as soon as practicable, with OWCP's requests for information or evidence at any stage of the administrative decision-making process in their claim.





Expectation of Affirmative Conduct

- For business conducted with OWCP electronically, conducting such business at the times and in the manner prescribed by OWCP.
- Ensuring that all the representative's employees, assistants, partners, contractors, and any other person assisting the representative on claims for which the representative has been appointed, are **aware that they are expected to comply with these guidelines.**





Unacceptable Conduct Overview

- Engaging in disrespectful and obstructive behavior does not benefit parties/claimants and interferes with proper administration of the claims process.
- OWCP expects that a representative will not engage in the following activities:





Unacceptable Conduct Examples

- Undertake representation in any matter when they are legally barred from doing so.
- Communicate with OWCP or other parties or representatives in a threatening or disrespectful manner. **OWCP may restrict the communication methods of a representative who does not meet this expectation.**
- In any manner or by any means, threaten, coerce, intimidate, deceive or knowingly mislead a party/claimant or prospective party/claimant regarding the availability of benefits or other rights under the relevant Act.



Unacceptable Conduct Examples

- Willfully misleading the party/claimant or prospective party/claimant about the representative's services and qualifications.
- Knowingly make or present false or misleading oral or written statements, evidence, assertions, or representations about a material fact or law.
- Through their own actions or omissions, unreasonably delay or cause to be delayed the processing of a claim.
- Divulge the party/claimant's confidential information outside of the claims adjudication process without their consent.



Unacceptable Conduct Examples

- Attempt to influence, directly or indirectly, the outcome of a decision, determination or other administrative action by:
 - ❖ Threatening harm (either physical or otherwise) to a presiding official, OWCP employee, or other person who is or may reasonably be expected to be involved in the administrative decision-making process; or
 - ❖ Offering anything of value to a presiding official, OWCP employee, or other person who is or may reasonably be expected to be involved in the administrative decision-making process.

*OWCP will report any such threats or offers to appropriate authorities.



Unacceptable Conduct Examples

- Refusing to comply with any of our rules or regulations.
- Requesting or assisting another person to violate our rules or regulations.
- Advising any party/claimant or person not to comply with any of our rules or regulations.
- Engage in actions, behavior, or conduct that is discriminatory or harassing, and based on protected characteristics.





Questions



Questions can also be submitted to DEEOIC-Outreach@dol.gov

Thank you very much for attending the DEEOIC Webinar