

FEDERAL EMPLOYEES' COMPENSATION ACT (FECA) QUICK REFERENCE SHEET

PURPOSE: Federal Employees' Compensation Act (FECA) provides for the payment of workers' compensation benefits to civilian officers and employees of all branches of the Government of the United States. FECA has been extended to provide workers' compensation benefits to Civil Air Patrol (CAP) volunteers, or their survivors, for injuries or death resulting from injuries sustained in performance of duty while in service to the United States. If you are injured or killed during your performance of an Air Force Assigned Mission (AFAM), you, or your proper dependent, could submit a FECA claim. Every case of injury or death while performing an AFAM is unique. The Department of Labor (DOL) will independently review the facts and circumstances of each case to determine if FECA coverage exists. This quick reference sheet is a general overview of the FECA benefits available to CAP volunteers.

- FECA provides workers' compensation benefits to CAP volunteers.
- CAP volunteers, except for Cadets under the age of 18 years, are covered under FECA for injury or death sustained while in active service (conducting an AFAM), or while in travel to or from that service.
- FECA benefits are the sole remedy against the United States for work-related injury or death.
- A CAP volunteer or his or her dependents cannot sue the United States for work-related injury or death under any other statute.
- Benefits include the payment of medical expenses for injuries sustained while in the performance of duty and payments to dependents and certain burial expenses if these injuries cause the death of the CAP volunteer.
- Benefits are not payable if the injury or death of the CAP volunteer is:
 - Caused by his or her willful misconduct; or
 - Caused by the volunteer's intention to bring about his or her death or that of another; or
 - If intoxication (by alcohol or drugs) is the proximate cause of the injury or death.
- FECA coverage is not automatic and attaches only when the individual is acting within the scope of the AFAM.
- Without AFAM status, CAP is not acting as an instrumentality of the Air Force; the mission is considered a CAP corporate mission.
- Missions performed for State or Local Agencies are not AFAM and, therefore, FECA does not apply.

HQ CAP-USAF/JA reviews and forwards each FECA claim to the DOL for approval or denial. To remain within FECA coverage, the individual must be acting within the scope of, or in performance of, the AFAM when the injury occurs. "Performance of Duty" means only active service in connection with an AFAM, and travel to and from that service. When you are in the performance of duty away from your permanent home duty location, you are considered to be in travel status:

- When you are traveling to the beginning of the AFAM;
- While you are performing the AFAM; and
- When you are traveling after the completion of the AFAM.

You have FECA coverage 24 hours a day while in travel status and for all activities incidental to the AFAM.

- Incidental activities include obtaining meals, using the hotel room, and traveling between the hotel and the work site.

- Incidental activities usually do not include recreational or sightseeing trips.
- Travel to and from your residence, each day or periodically, during the AFAM is probably not considered incidental activities to the AFAM and you may not be covered by FECA should an accident occur during that travel.
- Personal or pleasure trips are not incidental to the work assignment and FECA coverage does not apply if you are injured on such a trip.

Do not rely on these materials for legal advice. This document is for general guidance on matters of interest only. This document does not, in any way, establish an attorney - client relationship between you and the United States Air Force. This document is not offered nor should it be construed as legal advice.