

LOYOLA LAW SCHOOL
and
THE UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF WORKERS' COMPENSATION PROGRAMS
present

**A CONFERENCE ON THE
DEFENSE BASE ACT**

October 23-24, 2008
Washington Marriott Hotel
1221 22nd Street, N.W., Washington, D.C. 20037

Who Should Attend This Program? This Program is designed to benefit defense contractors and contracting officers, human resources professionals, insurance brokers, risk managers, claims adjusters, and attorneys. The program covers the requirements of Defense Base Act insurance for defense contracts worldwide and the administration of resulting claims for injury and death. We will address the history and scope of the Defense Base Act, the procurement of required insurance coverage, the administration of claims, and current issues of concern and dispute in the effective management of claims under both the Defense Base Act and War Hazards Compensation Act.

Thursday, October 23, 2008

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| 8:15 – 8:45 | Registration |
| 8:45 – 9:00 | Introduction of the Program
DBA “Boot Camp” |
| 9:00 – 9:30 | Basic Issues of Coverage, History and Scope of the Defense Base Act |
| 9:30 – 10:00 | Insurance and Waiver <ul style="list-style-type: none">■ When is DBA Insurance Coverage Required?■ Consequences of Failure to Secure Insurance■ Waivers of Coverage |
| 10:00 – 10:30 | Claims Administration Basics <ul style="list-style-type: none">■ Benefits Payable Under the Act<ul style="list-style-type: none">○ Minimum and Maximum Benefits○ Statutory Beneficiaries |
| 10:30 – 10:45 | Break |

- 10:45 – 12:00 Claims Administration Basics (continued)
- Role of the Employer, Insurance Carrier, and Employee
 - Role of the Office of Workers' Compensation Programs
 - How Claims are Administratively Processed
 - Forms
- 12:00 – 1:30 Lunch On Your Own
- 1:30 – 2:30 Status Report on Administration of the DBA and WHCA
- Statistical Report on Claims in OWCP, OALJ and BRB
 - Distribution and Management of Claims
 - Disposition of Claims in the System
- 2:30 – 3:30 Jurisdiction Under the DBA
- Scope of the Act's Coverage
 - The "Zone of Special Danger"
- 3:30 – 3:45 Break
- 3:35 – 4:45 Exclusivity of the Act
- Congressional Intent and Statutory Mandate
 - Judicial Interpretation of Exclusivity
 - Interplay With Other Employment-Based Acts

Friday, October 24, 2008

- 8:30 – 9:15 What Insurance is Needed and How to Buy It
- Who is Responsible to Buy Insurance
 - Employers
 - Sub-Contractors
 - Agents and Brokers
 - Who is Not Responsible for Insurance
 - Single Source Contracts
 - Multiple Contracts
 - Short Contracts
 - Minimum Premiums
 - Can the Cost Be Reimbursed?
 - Waivers
 - Who Applies
 - What Does the Waiver Cover?
 - What if Someone Mistakenly Relies on a Waiver?
 - "Private Insurance" Programs
 - Laws of Other Countries
 - Costs Not Covered by the DBA
- 9:15 – 10:00 Determining Average Weekly Wages

- Domestic Pay Rates Versus Overseas Earnings
 - Wages of U.S. Nationals Versus Foreign Workers
 - Judicial Interpretation of Section 10 of the LHWCA under the DBA
- 9:30 – 11:30 Handling Investigations and Discovery in DBA Claims
- The Challenges of Collecting Documentation, Interviewing Witnesses, Conducting Discovery and Developing Evidence
 - Language and Cultural Barriers
 - Vocational Rehabilitation Challenges
- 11:00 – 12:00 Settlements and Commutations of Claims
- Requirements for Settlements
 - How Commutations Work
 - How to Determine Whether to Settle or Commute a Claim
- 12:00 – 1:30 Lunch on Your Own
- 1:30 – 3:30 Important Medical Issues in DBA Claims
- Challenges in Dealing with Foreign Medical Providers
 - War Injuries
 - Psychiatric Claims and Post-Traumatic Stress Disorder
 - Heart Attacks, Strokes and Other Diseases
- 3:30 – 4:30 War Hazards Compensation Act
- Scope and Purpose of the Act
 - Types of Claims
 - Reimbursement Claims
 - Direct Payment of Benefits
 - Detention Benefits
 - Coverage
 - “War-Risk Hazards”
 - “Hostile Force”
 - Processing of Claims by OWCP
 - Proper Forms and Documentation
 - Appeal Rights