§ 15.1

15.9 Final denial of claim.
15.10 Action on approved claims.

Subpart B—Claims Under the Military Personnel and Civilian Employee Claims Act of 1964

15.20 General provisions.
15.21 Filing of claims.
15.22 Allowable claims.
15.23 Restrictions on certain claims.
15.24 Unallowable claims.
15.25 Claims involving carriers or insurers.
15.26 Claims procedures.
15.27 Computation of award and finality of settlement.
15.28 Attorney fees.
15.29 Reconsideration.

Subpart C—Claims Arising Out of the Operation of the Job Corps

15.40 Scope and purpose.
15.41 Allowable claims.
15.42 Claim procedure.


Source: 60 FR 19658, Apr. 19, 1995, unless otherwise noted.

Subpart A—Claims Against the Government Under the Federal Tort Claims Act

§ 15.1 Scope and purpose.

(a) The purpose of this subpart is to set forth regulations relating to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an officer or employee of the Department of Labor while acting within the scope of his or her office or employment.

(b) This subpart is issued subject to and consistent with applicable regulations on administrative claims under the Federal Tort Claims Act issued by the Attorney General (28 CFR part 14).

§ 15.2 Definitions.

(a) Department means the Department of Labor.

(b) Organizational unit means the jurisdictional area of each Assistant Secretary and each office head reporting directly to the Secretary.
Office of the Secretary of Labor

§ 15.5

(b) In any case where the claim seeks damages in excess of $25,000 or which involves an alleged act or omission of an employee of the Department whose official duty station is in Washington, D.C., a claimant shall mail or deliver his or her claim for money damages for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Department while acting within the scope of his or her office or employment hereunder to the Council for Claims and Compensation, Office of the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW., Suite S4325, Washington, DC 20210.

(c) In all other cases, the claimant shall address his or her claim to the official duty station of the employee whose act or omission forms the basis of the complaint.

§ 15.5 Administrative claim; evidence or information to substantiate.

(a) Personal injury. In support of a claim for personal injury, including pain and suffering, the claimant is required to submit the following evidence or information:

1. A written report by the attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent impairment, the prognosis, period of hospitalization, if any, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed or designated by the Department or another federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant’s written request: Provided, That he or she has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made, or agrees to make available to the Department, any other physician’s report previously or thereafter made of the physical or mental condition which is the subject matter of the claim.

2. Itemized bills for medical, dental and hospital, or any other, expenses incurred or itemized receipts of payment for such expenses.

3. If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

4. If a claim is made for loss of time from employment, a written statement from his or her employer showing actual time lost from employment, whether he or she is a full or part-time employee, and wages or salary actually lost.

5. If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings lost. For example, income tax returns for several years prior to the injury in question and the year in which the injury occurred may be used to indicate or measure lost income; a statement of how much it did or would cost the claimant to hire someone else to do the same work he or she was doing at the time of injury might also be used in measuring lost income.

6. Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(b) Death. In support of a claim based on death, the claimant may be required to submit the following evidence or information:

1. An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

2. Decedent’s employment or occupation at the time of death, including his or her monthly or yearly salary or earnings (if any), and the duration of his or her last employment or occupation.

3. Full name, address, birth date, kinship and marital status of the decedent’s survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his or her death.

4. Degree of support afforded by the decedent to each survivor dependent upon him or her for support at the time of his or her death.

5. Decedent’s general physical and mental condition before his or her death.

6. Itemized bills for medical and burial expenses incurred by reason of the