



LHWCA BULLETIN NO. 23-01

Issue Date: August 3, 2023

Subject: The 1984 Longshore and Harbor Workers Compensation Act (LHWCA) Amendments do NOT apply to District of Columbia Compensation Act (DCCA) cases, generally, as adopted by the Secretary of Labor, following the holding in *Keener v. WMATA*, 800 F.2d 1173 (D.C. Cir. 1986).

References: This Bulletin supplements the information contained in Procedure Manual (PM) Chapter 0-0200.6(1), Extensions, and Chapter 0-0200, Authority and Background of the LHWCA.

Purpose: To provide legal authority for the position that the 1984 Amendments do NOT apply to DCCA cases, generally, following the holding in *Keener v. WMATA*.

Background: The DFELHWC Procedure Manual provides guidance for the administration of the DCCA, an extension of the LHWCA. The DCCA, formerly known as the District of Columbia Workmen's Compensation Act, was enacted in 1928 and extended the provisions of the LHWCA to injuries and deaths which arose out of employment with District of Columbia employers. In 1979, the District of Columbia government repealed the 1928 Act and enacted its own workers' compensation law, the District of Columbia Compensation Act (DCCA), which became effective on July 26, 1982. Injuries and deaths to employees in the District of Columbia occurring prior to July 26, 1982 are covered by the DCCA, an extension of the LHWCA.

However, the 1979 repeal of the 1928 Act had the effect of severing the application of the Longshore Act to the District of Columbia. Following the *Keener v. WMATA* decision and holding in 1986, the Secretary of Labor has adopted the position that the 1984 Amendments to the Longshore Act have no effect on, and are not to be applied to, claims for injuries and deaths sustained prior to July 26, 1982.

Procedure: The provisions of the LHWCA, as they existed in 1982, are preserved for the benefit of employees whose claims are derived from injuries and deaths occurring prior to July 26, 1982. In July 1988, the administration of claims filed under the DCCA was delegated to the District of Columbia Government, to be processed by the District of Columbia, Department of Employment Services (DCDOES), in partnership with the DFELHWC and the Special Fund pursuant to Section 44 of the LHWCA.

Applicability: All DFELHWC Contract and Federal Staff for the Division of Federal Employees, Longshore and Harbor Workers' Compensation (DFELHWC).

Disposition: This Bulletin is to be retained until the DFELHWC Procedure Manual is revised.

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