

**SUMMARY OF CHANGES FOR 2018
CA-1108, STATEMENT OF RECOVERY LETTER WITH LONG FORM
CA-1122, STATEMENT OF RECOVERY LETTER WITH SHORT FORM**

1. CA-1108

PAGE 1

REVISED NUMBER 9, 11, AND 17 to make it easier to complete the form.

#9. Current

Attorney's Fees - Enter the percentage charged by the attorney OR enter the actual fees paid to the attorney. The amount entered in the designated space will automatically calculate Line 9. (SEE INSTRUCTIONS)

(_____ %) OR (\$ _____) _____

#9. Revised

Attorney Fees (Fees must be reduced by the percentage(s) entered on Lines 4, 6, or 7) **SEE INSTRUCTIONS BEGINNING ON PAGE 4.

Enter the percentage charged by the attorney fee here: _____ %
OR
Enter the actual fees paid to the attorney here: \$ _____

#11. Current

Costs of suit or settlement - (Insert total costs here: \$ _____) Required adjustments for loss of consortium and/or wrongful death or survival will be calculated automatically and entered on Line 11, if any percentages were entered on Lines 4, 6 or 7. SEE PAGE 4 OF INSTRUCTIONS FOR AN AN EXPLANATION OF THE CALCULATIONS.

#11. Revised

Costs of suit or settlement (*Costs must be reduced by the percentage*

entered on Lines 4, 6, or 7)** SEE INSTRUCTIONS BEGINNING PAGE 5.

Enter total costs here: \$ _____

#17. Revised (Added another asterisk only to reflect change in note on bottom of page.)

#17.

Current

Government's Allowance for Attorney's Fees (% on Line 9 x Line 16)
(This amount does not include a reduction for costs)** _____

Revised

Government's Allowance for Attorney's Fees (% on Line 9 x Line 16)
(This amount does not include a reduction for costs)*** _____

After #19. Added a new note.

Current

*NOTE: If the recovery was from both a Wrongful Death action and a Survival action, a separate CA-1108 must be prepared for each cause of action.

** Pursuant to the statute, "the beneficiary is entitled to retain, as a minimum, at least one-fifth of the net amount of the money or other property remaining after the expenses of a suit or settlement have been deducted; and in addition to this minimum and at the time of distribution, an amount equivalent to a reasonable attorney's fee proportionate to the refund to the United States." This is captured in Lines 13 and 17.

Revised

* NOTE: If the recovery was from both a Wrongful Death action and a Survival action, a separate CA-1108 must be prepared for each cause of action.

** The regulations require attorney's fees and costs to be reduced by the percentage(s) of the gross recovery allocated for loss of consortium, wrongful death and/or survival on Lines 4, 6, or 7.

*** Pursuant to the statute, "the beneficiary is entitled to retain, as a minimum, at least one-fifth of the net amount of the money or other property remaining after the expenses of a suit or settlement have been deducted; and in addition to this minimum and at the time of distribution, an amount equivalent to a reasonable attorney's fee proportionate to the refund to the United States." This is captured in Lines 13 and 17.

FOR ITEMS 1-19, SHADED THE AREAS IN THE RIGHT HAND COLUMN TO MAKE IT EASIER TO READ

FOR EXAMPLE

CURRENT

REVISED



**PAGE 2
Under Certification**

Current:

This space for use by the Dept. of Labor or U.S. Postal Service only)

Revised:

This space for use by the Dept. of Labor only)

PAGE 4 (Instructions)

Top of page after 1st sentence

Current:

*Distribution of the proceeds from the third-party recovery must be made in accordance with 5 U.S.C.

8132.*

Revised:

Distribution of the proceeds from the third-party recovery must be made in accordance with 5 U.S.C. 8132.

Using the form's automatic calculations will help to avoid error.

Line 9- Attorney's Fees

Added the following statement at end. Using the form's automatic calculations will help to avoid error.

Current:

Line 9 - ATTORNEY'S FEES – Reasonable attorney's fees actually paid, up to a maximum of 40% of the gross recovery, may be deducted from Subtotal C. OWCP or SOL (or whoever else has been delegated the authority) determines whether a fee is reasonable. The fee will be calculated automatically when the attorney's fee percentage is entered in the designated space on Line 9. If a percentage is not entered but the amount of the fees paid is entered, the percentage will be calculated automatically by dividing the amount of the total fee charged by the amount of the gross recovery on Line 1 (total fee divided by gross recovery). The amount automatically entered on Line 9 will be calculated by multiplying Line 8 (Subtotal C) by the attorney's fees percentage.

Revised:

Line 9 - ATTORNEY'S FEES – Reasonable attorney's fees actually paid, up to a maximum of 40% of the gross recovery, may be deducted from Subtotal C. OWCP or SOL (or whoever else has been delegated the authority) determines whether a fee is reasonable. The fee will be calculated automatically when the attorney's fee percentage is entered in the designated space on Line 9. If a percentage is not entered but the amount of the fees paid is entered, the percentage will be calculated automatically by dividing the amount of the total fee charged by the amount of the gross recovery on Line 1 (total fee divided by gross recovery). The amount automatically entered on Line 9 will be calculated by multiplying Line 8 (Subtotal C) by the attorney's fees percentage. **Using the form's automatic calculations will help to avoid errors.**

PAGE 6 (Instructions)

Revised the address for sending a refund check

Current:

U.S. Department of Labor
Office of the Solicitor
200 Constitution Avenue NW, Room
S4325
Washington, DC 20210

Revised:

U.S. Department of Labor
Office of the Solicitor
Division of Federal Employees' and Energy Workers' Compensation
200 Constitution Avenue NW, Room S4325
Washington, DC 20210

2. CA-1122

There were no major changes to this form. For ease of reviewing, shaded every other line and also revised where each numbered line had the same number for the line in the right-hand column next to it.

For Example:

Current

Revised



Current

1. Gross Recovery (Entire Amount of the Award) \$ _____

Revised

1. Gross Recovery (Entire Amount of the Award) \$ 1.\$ _____

