

§ 8119. Notice of injury or death

An employee injured in the performance of his duty, or someone on his behalf, shall give notice thereof. Notice of a death believed to be related to the employment shall be given by an eligible beneficiary specified in section 8133 of this title, or someone on his behalf. A notice of injury or death shall—

- (a) be given within 30 days after the injury or death;
(b) be given to the immediate superior of the employee by personal delivery or by depositing it in the mail properly stamped and addressed;
(c) be in writing;
(d) state the name and address of the employee;
(e) state the year, month, day, and hour when and the particular locality where the injury or death occurred;
(f) state the cause and nature of the injury, or, in the case of death, the employment factors believed to be the cause; and
(g) be signed by and contain the address of the individual giving the notice.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 543; Pub. L. 93-416, §12(a), Sept. 7, 1974, 88 Stat. 1146.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Rows (a) and (b) with multiple U.S.C. references and dates.

Subsection (b)(2) is added on authority of former section 770, which is carried into section 8122, to complete the coverage of this section.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

1974—Pub. L. 93-416 substituted ‘or death’ for ‘; failure to give’ in section catchline, struck out designation of subsec. (a), redesignated cls. (1) to (7) as (a) to (g), and, as so redesignated, inserted provisions relating to notice of death and substituted ‘30 days’ for ‘48 hours’ in cl. (a), and struck out subsec. (b) relating to allowance of compensation.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 effective Sept. 7, 1974, and applicable to any injury or death occurring on or after Sept. 7, 1974, see section 28(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

§ 8120. Report of injury

Immediately after an injury to an employee which results in his death or probable disability, his immediate superior shall report to the Secretary of Labor. The Secretary may—

- (1) prescribe the information that the report shall contain;

(2) require the immediate superior to make supplemental reports; and

(3) obtain such additional reports and information from employees as are agreed on by the Secretary and the head of the employing agency.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 543.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Rows with U.S.C. references and dates.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 8121. Claim

Compensation under this subchapter may be allowed only if an individual or someone on his behalf makes claim therefor. The claim shall—

- (1) be made in writing within the time specified by section 8122 of this title;
(2) be delivered to the office of the Secretary of Labor or to an individual whom the Secretary may designate by regulation, or deposited in the mail properly stamped and addressed to the Secretary or his designee;
(3) be on a form approved by the Secretary;
(4) contain all information required by the Secretary;
(5) be sworn to by the individual entitled to compensation or someone on his behalf; and
(6) except in case of death, be accompanied by a certificate of the physician of the employee stating the nature of the injury and the nature and probable extent of the disability.

The Secretary may waive paragraphs (3)–(6) of this section for reasonable cause shown.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 543; Pub. L. 93-416, §13, Sept. 7, 1974, 88 Stat. 1147.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Rows with U.S.C. references and dates.

The words ‘except as provided in section 788’ in former section 768 are omitted as unnecessary as former section 788 dealt with recovery of overpayments after claims were made.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

1974—Par. (3). Pub. L. 93-416 substituted ‘approved’ for ‘furnished’.