

CHAPTER III—FEDERAL PRISON INDUSTRIES

DEPARTMENT OF JUSTICE

PART 301—INMATE ACCIDENT COMPENSATION

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AUTHORITY: The provisions of this Part 301 issued under sec. 1, 62 Stat. 852; 18 U.S.C. 4126.

SOURCE: The provisions of this Part 301 contained in authority, policies, and information regarding accident compensation to be paid inmates of Federal penal institutions for injuries sustained while employed by the Federal Prison Industries, Inc., Board of Directors, Jan. 1, 1937. Redesignated at 24 F.R. 4366, May 30, 1959.

§ 301.1 Inmate's regular wage paid in lieu of accident compensation while incarcerated.

No accident compensation will be paid to an inmate when injured while such inmate remains in the institution. However, except in special cases, the inmate's regular compensation will be paid to him and charged to the operations of the industry in which the injury was sustained.

§ 301.2 When paid to inmate.

Accident compensation will be paid to such injured inmates as are totally, or partially disabled at the time of their discharge from the institution, beginning the first of the following month succeed-

ing the date of their discharge, or approval of claim.

§ 301.3 Method of payment.

Accident compensation will be paid only in monthly installments and will not be paid in a lump sum except in exceptional cases, where it is shown clearly that such payment will furnish the means of self support of the inmate and his family.

§ 301.4 Negligence estops.

No accident compensation will be paid when the injury was sustained willfully, or with intent to injure someone else, or by willful disregard of, or failure to use safety devices provided and available.

§ 301.5 Criminal action suspends payment of accident compensation; does not bar payment to dependents.

Such accident compensation shall be paid only so long as the claimant shall conduct himself, or herself, in a lawful manner, and shall immediately cease upon conviction of any crime against the Federal Government, or any subdivision thereof, except the corporation may upon recommendation of the president of the corporation and approval of the Attorney General pay such compensation or any part of it to worthy dependents of such inmates, where it is deemed to be in the public interest.

§ 301.6 Basis of computation.

The per capita cost of operation of the institution in which the inmate is confined shall be the value of subsistence and quarters which shall be added to the cash compensation paid inmates to arrive at the monthly compensation as a base for the computation of the amount of accident compensation payable.

§ 301.7 Making claim.

Claim for accident compensation can be made any time prior to discharge from the institution, but must be made within 1 year following discharge from the institution. No compensation for disability will be paid until after discharge from the institution, and after a formal claim has been submitted on Form FPI-43.¹ Claim must be signed and sworn to by the person claiming compensation, or if physically unable to do so, by someone in his behalf. If possible claim should be submitted through the official in charge of the claimant during his employment by Federal Prison Industries, Inc., or if prepared after the inmate's discharge, through the local probation or parole officer.

§ 301.8 Medical attention required subsequent to discharge.

Where medical, surgical, or hospital treatment is required subsequent to discharge of the inmate from the institution, approval must be secured from the Commissioner of Prison Industries prior to securing such services. If such serv-

¹This form may be obtained at the office of the Federal Prison Industries, Inc., Department of Justice, Washington, D.C.

ices are approved as payable by the corporation, the claimant should make no payments but arrange to forward the accounts to Washington for direct payment.

§ 301.9 Beneficiaries.

In making claim for accident compensation, claimant must indicate in detail those persons which are dependent on him, their relationship and all other facts as to residence, other income, etc., so that the corporation will be able to determine to what extent, if any they are dependent on the claimant. The corporation has the right to pay dependents in lieu of the inmate if conditions justify it, and therefore, such information is necessary to a proper determination of facts.

§ 301.10 Employment of attorneys.

Accident compensation will be paid to all injured inmates who qualify under the regulations in this part, and it is therefore unnecessary to employ attorneys or others to effect collection of claim. Under no circumstances will the inmate be permitted to assign any portion of his claim to an attorney or others, or pay for any assistance in connection with the collection of his claim if the fee or fees for such services exceed \$25.