

## § 25.4

including claims in which there is a dispute as to questions of fact or law. The Director shall, in instructions to the particular representative concerned, establish such procedures in respect to action under this section as he or she may deem necessary, and may specify the scope of any administrative review of such action.

### § 25.4 What type of evidence is required to establish a claim under this part?

Claims of employees of the United States who are neither citizens nor residents of the United States, any territory or Canada, if otherwise compensable, shall be approved only upon evidence of the following nature without regard to the date of injury or death for which claim is made:

- (a) Appropriate certification by the Federal employing establishment; or
- (b) An armed service's casualty or medical record; or
- (c) Verification of the employment and casualty by military personnel; or
- (d) Recommendation of an armed service's "Claim Service" based on investigations conducted by it.

### § 25.5 What special rules does OWCP apply to claims of third and fourth country nationals?

(a) *Definitions.* A "third country national" is a person who is neither a citizen nor resident of the United States who is hired by the United States in the person's country of citizenship or residence for employment in another foreign country, or in a possession or territory of the United States. A "fourth country national" is a person who is neither a citizen nor resident of either the country of hire or the place of employment, but who otherwise meets the definition of third country national. "Benefits applicable to local hires" are the benefits provided in this part by local law or special schedule, as determined by the Director. With respect to a United States territory or possession, "local law" means only the law of the particular territory or possession.

(b) *Benefits payable.* Third and fourth country nationals shall be paid the benefits applicable to local hires in the country of hire or the place of employ-

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ment, whichever benefits are greater, provided that all benefits payable on account of one injury must be paid under the same benefit structure.

(1) Where no well-defined workers' compensation benefits structure is provided in either the country of hire or the place of employment, the provisions of § 25.2(d) shall apply.

(2) Where equitable considerations as determined by the Director so warrant, a fourth country national may be awarded benefits applicable to local hires in his or her home country.

### § 25.6 How does OWCP adjudicate claims of non-citizen residents of possessions?

An employee who is a *bona fide* permanent resident of any United States possession, territory, commonwealth or trust territory will receive the full benefits of the FECA, as amended, except that the application of the minimum benefit provisions provided therein shall be governed by the restrictions set forth in 5 U.S.C. 8138.

## Subpart B—The Special Schedule of Compensation

### § 25.100 How is compensation for disability paid?

Compensation for disability shall be paid to the employee as follows:

(a) *Permanent total disability.* In cases of permanent total disability, 66⅔ percent of the monthly pay during the period of such disability.

(b) *Temporary total disability.* In cases of temporary total disability, 66⅔ percent of the monthly pay during the period of such disability.

(c) *Permanent partial disability.* In cases of permanent partial disability, 66⅔ percent of the monthly pay, for the following losses and periods:

- (1) Arm lost: 280 weeks' compensation.
- (2) Leg lost: 248 weeks' compensation.
- (3) Hand lost: 212 weeks' compensation.
- (4) Foot lost: 173 weeks' compensation.
- (5) Eye lost: 140 weeks' compensation.
- (6) Thumb lost: 51 weeks' compensation.
- (7) First finger lost: 28 weeks' compensation.