

Temporarily aggravated? Part II

Last month, we examined the definitions of three types of causal relationship—aggravation, acceleration and precipitation—that OWCP recognizes between work factors and the worsening of a pre-existing condition. Unless physicians have experience with OWCP, they would not use these definitions in the ordinary course of their practice. This is because the definitions are not medical definitions. They derive either from the implementing regulations of the FECA or from OWCP procedures and practice. Moreover, most physicians focus on the therapeutic care of injury rather than on the cause of injury.

OWCP, however, focuses almost entirely on the cause of the claimed injury. For OWCP to accept a claim, an injury has to be caused in some way by factors in the work environment. Which causal category OWCP applies to a claim can have lasting effects on how OWCP develops that claim. There is not a bright line that separates the above three categories of causal relationship from each other. For example, “temporary aggravation” and “precipitation” are quite similar—a fact noted in the *FECA Procedure Manual* Part 2-810.3. Often the long-term prospects of a claim involving a pre-existing condition depend more on whether OWCP accepts causation as temporary or permanent, than on the specific category of causation.

OWCP recognizes that work factors can either temporarily or permanently worsen pre-existing conditions. Temporary worsening is caused either by “temporary aggravation” or by “precipitation.” Permanent worsening is caused either by “permanent aggravation” or “acceleration.” OWCP procedures caution claims examiners in accepting claims for the permanent worsening of a pre-existing condition: “A case should be accepted for permanent aggravation only after careful evaluation of all medical evidence of record. Such a finding...should not routinely be considered due to the difficulty involved in rescinding it if the claimant’s condition improves.” (*FECA Procedure Manual*, Part 2-805.2)

While OWCP may have difficulties rescinding a finding of permanent aggravation, injured workers will have difficulties if OWCP accepts a claim for the temporary worsening of a pre-existing condition when that condition has, in fact, been permanently worsened by exposure to work factors.


Because of this, it is crucial that attending physicians understand how OWCP defines and applies the different categories of causation in claims that involve pre-existing conditions. Attending physicians should be prepared to employ the categories as they use their best medical judgment

to present and rationalize the medical evidence for the claimed injury.

Causal relationship of a condition to specific work factors is a medical question that requires specific medical evidence. In every injury that is connected with a pre-existing condition, the employee’s physician must provide a rationalized medical opinion that differentiates between the effects of the employment-related injury or disease and the pre-existing condition. While OWCP has a non-apportionment rule—if work factors contribute in any way to the development of the condition, the condition would be considered employment-related—it relies on the rationalized medical opinion and evidence to determine under which causal category it will accept the claim.

To establish that a pre-existing condition has been permanently worsened or accelerated by factors in the work environment, the attending physician will need to provide objective evidence of a physiological change in the claimant’s pre-existing condition. Such objective evidence should include the results of diagnostic procedures such as X-rays, MRIs and CAT scans. The physician must then explain the physiological mechanism or process by which work factors accelerated or worsened the pre-existing condition. Finally, the physician should review the medical history of the pre-existing condition, including all relevant medical reports.*

When a claimed condition involves the aggravation, acceleration or precipitation of a pre-existing condition, OWCP will require certain information from the claimant beyond the narrative describing the work factors that exacerbated the condition. The claimant early in the process should provide a history of the pre-existing condition that includes the names and addresses of all physicians who examined or treated the claimant for the condition, the approximate dates of the examinations or treatments and the accompanying medical reports.

Pre-existing conditions can be either temporarily or permanently worsened by the work we do. Making the correct determination requires our physicians to exercise their best medical judgment and communicate that judgment to OWCP. Knowledge of how OWCP defines and applies the different categories of causation in cases involving pre-existing conditions helps our physicians to accomplish this. 

* Detailed discussion of what constitutes a proper rationalized medical report can be found in previous *Postal Record* columns from July 1998 and November 2009. The columns are also available on the NALC website.