

# Temporarily aggravated? Part I

**A**s letter carriers, we are getting older. Many of us suffer from long-term chronic conditions. These conditions may be caused by our work. They also may be pre-existing conditions worsened by our work. Pre-existing conditions can even first manifest themselves as we perform our letter carrier duties. Examples of pre-existing conditions that might be made worse by our work are degenerative disc disease or arthritis of the knee.

Whether or not OWCP accepts a claim for the worsening of a pre-existing condition depends on whether a causal relationship has been established between work factors and the claimed condition. While it may be complicated to sort out what aspects of a pre-existing condition are due to the workplace and what aspects are due to the progress of that condition, it should be remembered that OWCP will accept a claim if any part of the claimed condition can be attributed to work factors.

**OWCP recognizes three kinds of causal relationship** between work factors and the worsening of a pre-existing condition. The following definitions come from the *FECA Procedure Manual*, Part 2-0805.\*

**Aggravation.** This kind of relationship occurs if a pre-existing condition is worsened, either temporarily or permanently, by an injury arising in the course of employment. For instance, a traumatic back injury may aggravate a claimant's pre-existing degenerative disc disease, and compensation would be payable for the duration of the aggravation as medically determined.

(1) Temporary aggravation involves a limited period of medical treatment and/or disability, after which the employee returns to his or her previous physical status. Compensation is payable only for the period of aggravation established by the weight of the medical evidence, and not for any disability caused by the underlying disease. This is true even if the claimant cannot return to the job held at time of injury because the pre-existing condition will worsen if he or she does so...

(2) Permanent aggravation occurs when a condition will persist indefinitely due to the effects of the work-related injury or when a condition is materially worsened such that it will not revert to its previous level of severity. For instance, an allergy which would have persisted in any event may be permanently aggravated by exposure to dust and fumes in the workplace such that

subsequent episodes are more severe than they otherwise would have been...

**Acceleration.** An employment-related injury or illness may hasten the development of an underlying condition, and acceleration is said to occur when the ordinary course of the disease does not account for the speed with which a condition develops. For example, a claimant's diabetes may be accelerated by a work schedule which is so erratic that it prohibits the regular food intake required by persons with this condition. An acceptance for acceleration of a condition carries the same force as an acceptance for direct causation. That is, the condition has been accepted with no limitation on its duration or severity.

**Precipitation.** A latent condition which would not have become manifest but for the employment is said to have been precipitated by factors of the employment. For instance, tuberculosis may be latent for a number of years, then become manifest due to renewed exposure in the workplace. The claim would be accepted for precipitation, but the acceptance would be limited to the period of work-related tuberculosis and the OWCP's responsibility for the condition would cease once the person recovered.

There is not a bright line that separates these three categories of causal relationship from each other. However, which category gets applied to an accepted claim can have deep and lasting effects on how OWCP develops that claim. For attending physicians to properly exercise their best medical judgment in cases where work factors have worsened a pre-existing medical condition, they must know how OWCP claims examiners understand and apply these categories. In addition, every injured letter carrier who suffers from a worsening of a pre-existing condition must understand the implications of how a claim accepted under each category will affect how that claim will be handled. Next month, Part 2 of this article will discuss these issues.

**Correction:** The second bullet point in Column 2 of the October Compensation article should have read: "Definitive diagnosis (no impressions) of the other serious health condition associated with the injury that caused the strain or sprain." ☒

\* "Temporary aggravation" is defined in the implementing regulations of the FECA at 20 CFR 10.5(dd). The other causal relationships are only defined in the *FECA Procedure Manual*.