

Strains and sprains and denied claims

Because of the physical work we do, strains and sprains are common letter carrier injuries. In general, they are temporary conditions that are expected to get better over time. Often, however, injuries that begin as strains or sprains end up as more serious medical conditions that take more time to heal and can even be permanent. It is common to find cases where OWCP has only accepted a claim for strain or sprain, yet the employee's physician has later determined that the original injury has caused another or additional serious medical condition. This can happen for a number of reasons:

- The other serious condition is not initially present and develops over time. For example, injuries to the spine may not fully manifest themselves until some time after the initial injury.
- The other serious condition, while initially present, does not show up in diagnostic testing until a later date. For example, stress fractures often do not show up in X-rays until the body lays down new calcium to repair the fracture.
- The other serious condition may not be initially diagnosed because medical practitioners are conservative in their approach to injury. They do not use expensive or invasive diagnostic procedures until the strain or sprain does not heal as expected.
- There are cases where the injured worker's physician has diagnosed a strain or sprain and does not perform further diagnostic procedures—even when the strain or sprain does not improve over time.

In all of these cases, a failure to expand the accepted claim to include the other serious condition can harm the injured employee later on. Consider the following frequently encountered scenario:

A letter carrier injures her back lifting a heavy tray of flats. OWCP accepts her claim for lumbar strain. The physician later discovers two herniated discs but no attempt is made to expand the claim. The Postal Service provides the carrier with full-time limited duty. Four years later, the USPS rescinds the assignment and sends the injured carrier home. The carrier submits a CA-7 for compensation based on the withdrawal of limited duty.

OWCP decides to send the injured carrier to a physician for a second opinion as to whether or not the accepted condition of lumbar strain has resolved itself. The sec-

ond physician determines that the accepted strain should have healed years earlier. Based on this, OWCP denies compensation and terminates medical benefits.

If an injured employee's physician discovers that another condition is associated with the injury that caused the strain or sprain, the employee should seek to expand their claim. If that employee has a strain or sprain that persists more than a few months, he or she should ask their physician whether or not there is a more serious underlying condition.

In order to expand an accepted claim, the medical evidence must be in the form of a detailed narrative medical report, preferably from a board-certified specialist for the claimed condition, containing four key items:

- **A written statement by the physician reflecting knowledge of the employee's injury or conditions of employment believed to be the causative factor(s).** He or she should ideally include a written statement from the employee describing the injury or conditions of employment.
- **Definitive diagnosis (no impressions) of the other serious health condition that caused the strain or sprain.**
- **Opinion in definitive terms (no speculation).** Was the other serious condition caused, aggravated, accelerated or precipitated by the injury and/or the conditions of employment described by the employee?
- **Medical reasons for the opinion that the accepted claim for strain or sprain should be expanded to include the other serious medical condition.** This is very important and should include a discussion of the pathological or other medical relationship between the diagnosis and the injury or conditions of employment and an explanation of how any test results formed a basis for the opinion. The physician should also provide a detailed case history of the injury and a detailed medical rationale for why the other condition was not initially diagnosed.

If your claim needs expansion, it is important that your physician understand what's outlined above. Most physicians don't focus on the cause of injury. Their concern is with therapeutic care. Because of FECA provisions, however, OWCP focuses almost entirely on the cause of the claimed condition. This difference in approach can result in claims being denied.

Help your doctor help you.

