

Form CA-2a, Notice of Recurrence: Think before you ink!



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The concept of recurrence of injury seems straightforward: You had an injury, went back to work and experienced a return or worsening of the same injury to the same body part and you believe you have suffered a recurrence. You file a Form CA2a, Notice of Recurrence, head to the doctor, and that's when your troubles start.

Dictionaries define "recurrence" as: "To happen, come up, or show up again or repeatedly." That may be the dictionary's definition, but when it comes to recurrence in a postal setting, the Office of Workers' Compensation Programs' (OWCP) definition is the only one that counts.

On the instructions for Form CA-2a, Notice of Recurrence, the term is de-

fined in two ways:

A **Recurrence of the Medical Condition** is the documented need for additional medical treatment after release from treatment for the work-related injury. Continuing treatment for the original condition is not considered a recurrence.

A **Recurrence of Disability** is a work stoppage caused by:

- A spontaneous return of the symptoms of a previous injury or occupational disease *without intervening cause*;
- A return or increase of disability due to a consequential injury (defined as one that occurs due to weakness or impairment caused by a work-related injury); or
- Withdrawal of a specific light-duty assignment when the employee cannot perform the full duties of the regular position. This withdrawal must have occurred for reasons other than misconduct or non-performance of job duties.

Let's look at each of these.

A Recurrence of the Medical Condition references the release from treatment. In OWCP's eyes, a worker claiming recurrence has recovered from the original injury to the point that no further treatment is needed. Spontaneous return of the injury, with no intervening exposure to work, is then required to qualify as a recurrence. This is a difficult, if not impossible, thing to prove.

When referring to a Recurrence of Disability, the three definitions have important distinctions. The words "without intervening cause" should be a fair warning. Anytime you have exposure to work factors, it is more probable that a new injury occurred. In many cases, injured workers have filed CA2a's and OWCP has found that a CA-1 or CA-2 was the proper form to file.

Consequential injuries occur when a previous injury causes a new injury. Say that your right knee is injured and it buckles, causing you to fall and injure your left ankle. That could be determined to be a consequential injury under OWCP regulations.

Withdrawal of limited-duty job assignments as happened in the NRP program would fulfill OWCP's definition of recurrence of disability. The NRP program led OWCP to provide guidance to claims examiners when it comes to recurrence claims tied to withdrawal of limited-duty job assignments. Should you experience this, you need to contact your branch or national business agent's office.

As the definitions above illustrate, there are very specific, and usually rare reasons, for filing a CA2a. OWCP recognizes this to the point that it included this language on the instructions page of Form CA2a:

IF A NEW INJURY OR EXPOSURE TO THE CAUSE OF AN OCCUPATIONAL ILLNESS OCCURS, AND DISABILITY OR THE NEED FOR MEDICAL CARE RESULTS, A NEW FORM CA-1 OR CA-2 SHOULD BE FILED. This is true even if the new incident involves the same part of the body as previously affected.

Those bold capital letters are OWCP's, not mine. They were put on the CA-2a by OWCP to warn injured workers about filing the improper form. For the vast majority of injured workers, filing a CA-2a is hardly ever the right thing to do. Here's why.

It is common for injured workers to return to work, feel pain or discomfort in their previously injured body part and mistakenly assume they have suffered a recurrence. The variables involved in proving a causal relationship between the original injury and the recurrence *with* intervening exposure to work factors can be difficult if not impossible.

Hence the warning in the CA-2a instructions: When in doubt, file a CA-1 or CA-2.

Further complicating the problem is the propensity for postal supervisors to issue injured workers CA-2a's in error. Whether this is due to poor training or their own ignorance, we can only guess. But the fact is that many injured workers are mistakenly given CA-2a's for injuries requiring CA-1's or CA-2's.

This has led to claim denials and lengthy delays of much-needed medical care and wage-loss benefits for injured workers. We need to protect ourselves. We need to take ownership of the claims we file and take the time to read the instructions on the forms we submit.

When it comes to filing any OWCP form, take your time, read the instructions, fill the form out yourself, and think before you ink.