

Good days and bad days— the continuing story of Charlie



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As you learned in last month's article, Charlie was recovering from a fractured ankle when he received a letter indicating he was scheduled to meet with a contract rehabilitation specialist. Even though his doctor had not released him to work, Charlie wanted to get back to carrying mail and so he looked forward to the meeting.

Just to be safe, Charlie called up his shop steward Sally to ask for advice on what to expect. Sally said she'd never heard of such a meeting, and told Charlie that as this was about his workers' comp claim, she could not attend the meeting on the clock. Charlie thanked her and said he'd attend the meeting by himself. Sally wished Charlie luck, and asked him to let her know

what happened.

When Charlie showed up for his appointment, he was met by two specialists who said they were there to review his case and determine whether they could help him get back to work. They seemed like nice people, and when Charlie asked them who they worked for, they responded that they were independent contractors working for the Department of Labor. The specialists placed a form in front of Charlie called Current Capacity Evaluation, Form CCE, and handed Charlie a pen.

Charlie took a long look at the form. Part A of the form asked for personal information, like name and address. Part B was titled "Employee Assessment" and consisted of 26 questions asking everything from medical conditions to hobbies to a self-assessment of his work abilities. The bottom of the form had "Form CCE, June 2005" printed on it.

Charlie was leery of writing anything on the form, as it did not feel right. But the friendly specialists assured him that it was a routine form, designed to help them get Charlie back to work as soon as possible. They told him that they were going to go over the questions with him but first wanted him to tell them about his injury.

Luckily, Charlie had shown up for the appointment prepared. He had a file of all of his information regarding his injury, his CA-1, all of his CA-7s and 17s, medical reports and letters from OWCP. The specialists said they already reviewed these forms, and wanted Charlie to explain the injury in his own words. Charlie looked at his CA-1 and carefully recited what he had written down months ago.

One of the specialists asked Charlie if he had ever injured his ankle before, either playing sports or working

around the house. Charlie said no. The specialist asked whether he'd ever injured his ankle before he started working as a letter carrier. Charlie calmly said no again.

Then Charlie started answering the other questions on the form, using the medical documentation in his files to answer specific questions when needed. The specialists went over each question line by line, asking Charlie to answer each question orally and in writing.

One of the questions asked for Charlie's opinion on his current condition, and it had a list of possible answers ranging from "getting significantly worse" to "improving significantly." Charlie checked a box marked "improving somewhat" and then wrote "good days and bad days" in the margin.

The specialists asked what he meant by "good days and bad days." Charlie told the specialists that he'd been following his doctor's orders and had been walking around his neighborhood to strengthen his leg muscles. He had good days where he could walk a couple of blocks, and bad days where he could hardly make it off his couch.

As Charlie continued to fill out the form, the specialists kept asking him questions. They asked him to rate his pain on a scale of 1 to 10. They asked him to fill in a question describing his overall lifestyle, rating it from totally sedentary to active. Charlie checked "almost no activity" and lamented that he was unable to return to work, that he missed carrying his route and that he missed his customers.

They asked him to describe his daily activities. Charlie told them that most of the time he just sat and read, or played solitaire.

What Charlie did not know was that the entire conversation was being secretly recorded. The self-described specialists weren't lying when they said they were contractors. In fact, they were contracted by the Postal Service to ferret out workers' compensation fraud. Every word Charlie said was recorded in an effort to catch him lying about what he could or could not do.

But Charlie was an honest guy, and although he was reluctant to fill out the form and talk to the specialists, he had nothing to hide. He didn't exaggerate his disability. He answered every question honestly and reiterated his ambition to get back to work as soon as his ankle healed.

When Charlie had completed and reluctantly signed the form, the specialists went back over it and asked if he wanted to change anything. Charlie said no and asked for a copy of the form for his records. The specialists made Charlie a copy of the form and told him to have a nice day.

Once Charlie had left, the contract specialists began going over every word Charlie had written down, looking for an error. Their contract was up for renewal.

To be continued...