

What caused your injury? Part 1



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Some things seem self-explanatory. While delivering mail, you step in a hole and roll your ankle. A doctor diagnoses a sprain. It would seem clear that the connection between stepping in the hole and spraining the ankle would be self-explanatory. Any reasonably intelligent person could make the connection.

Alas, when it comes to getting a compensation claim accepted, it's not that cut and dried. The Office of Workers' Compensation Programs

(OWCP) has its own set of standards when it comes to connecting work factors and injuries.

For obvious traumatic injuries like dog bites, OWCP can quickly accept the connection between the dog bite (work factor) and the injury (puncture wounds). In such cases, the OWCP claims examiner can make a swift decision accepting the claim based upon the visible injury.

However, many of the injuries suffered by letter carriers cannot be easily placed into an obvious injury category, especially musculoskeletal injuries. And here is where many injured workers struggle to get claims accepted.

OWCP puts the burden of proof for establishing that an injury is work-related squarely on the injured employee.

That means the injured worker must get a doctor to explain the connection, the *causal* relationship, between the injury and the work factors involved.

Claims examiners are instructed to ask the following questions when weighing medical evidence that proves the causal relationship:¹

1. Is the opinion based on a complete, accurate and consistent history covering both the medical and factual aspects of the case?

The more your doctor knows about your work and your injury, the more likely it is that he or she can write an acceptable medical report. Injured workers need to provide their doctor with a history of the injury and the work factors involved. A short written description of the facts—what, when, where and how the injury occurred, and the specific work factors involved—provide the doctor a clear picture of what happened.

2. Is the opinion well-reasoned and well-rationalized?

A well-rationalized medical report is a doctor's opinion, supported by objective medical evidence (physical examinations, laboratory tests, X-rays, etc.), that explains the nature of the relationship between the diagnosed condition and the specific work factors identified by the injured worker. It's not enough for a doctor to say an injury occurred on the job. The doctor must explain how the injury was caused by work factors resulting in the diagnosed condition.

Symptoms are not diagnosed conditions. Hence the

need for diagnostic testing to prove the condition exists. An explanation of the bio-mechanical forces causing the injury (e.g., rolling the ankle when stepping into the hole) cements the proof of causal relationship.

3. Does the physician have the expertise and credentials to provide a medical opinion in this case?

Injured workers are best served when examined by a doctor of their choice. For the common musculoskeletal injuries letter carriers experience, the opinion of a board-certified orthopedic surgeon will be given more weight and is therefore more desirable than the opinion of a family practitioner.

OWCP will only accept the opinion of doctors. Many postal contract clinics, hospitals and urgent-care facilities are staffed by physician's assistants and nurse practitioners, and their medical reports must be counter-signed by a doctor to be considered valid medical evidence.

OWCP will only accept the opinions of chiropractors where subluxation of the spine has been diagnosed by X-ray.

4. Does the physician have enough knowledge about the employee to have arrived at a sound medical opinion?

OWCP regulations allow for a claim to be approved for the aggravation, acceleration or precipitation of an underlying condition. If work factors contribute to the injury in any way, the claim is compensable under OWCP regulations. Injured workers need to inform the doctor about any previous conditions that could be related to the current injury, and to provide medical records for the doctor's review.

In such cases, the doctor needs to include analysis of any underlying conditions that may be worsened by work conditions.

5. Is the medical opinion speculative or equivocal?

OWCP requires that proof of causation be explained with reasonable medical certainty. Medical opinions that use terms like *could*, *may* or *might be* are speculative and equivocal, and therefore insufficient in proving a claim.

Reasonable medical certainty is not absolute certainty. A medical report stating that "to a reasonable degree of medical certainty, specific work factors caused the injury," is generally sufficient to meet OWCP standards.

Injured workers need to communicate clearly with doctors on what OWCP requires to prove causal relationship. Sometimes doctors make mistakes, referring to the wrong body part or placing the wrong date for an injury. Reviewing the reports for accuracy prior to submitting the reports to OWCP can eliminate future problems with claim acceptance.

Once you have an accurate medical report, it should be mailed or uploaded directly to OWCP as soon as possible.²

1. FECA Procedure Manual 2-0810

2. ecomp.dol.gov