

Medical restrictions



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Imagine this scenario: You have an on-the-job injury—say a severely torn rotator cuff—and you have had shoulder surgery. Your job as a letter carrier involves repetitively reaching above the shoulder hundreds of times a day doing timed production work, but your attending physician has placed a “no reaching above the shoulder” restriction on your CA-17. The Postal Service has refused to provide you with limited duty.

During the course of a week, you do the following: shop and reach for an item above the shoulder at the grocery store, reach up to pick some figs from an overhanging branch in the front yard, wave goodbye to your children leaving for school and hang a picture on the living room wall.

The Office of Inspector General (OIG) records a video of these activities. The OIG then intimidates your physician, who refuses to be further involved. This happens even though your physician never intended to prohibit you from occasionally reaching above your shoulder in normal life activities (and, in fact, your physician had you begin exercises extending the shoulder and elbow soon after surgery and prescribed a regimen of extensive weight training with a physical therapist).

The Postal Service then issues you a notice of removal charging you with lying to your doctor about the extent of your injury and/or exceeding your medical limitation. Your case goes to arbitration and the arbitrator upholds the removal because there is no evidence from your physician countering the charge and because the video evidence has a strong emotional effect.

Varieties of the above scenario have played out over and over again around the country.

While there are instances where the attending physician intends for the written restriction (on the CA-17 or otherwise) to apply at all times, there are other instances where the physician intends the restrictions to apply only to the work environment. It is often the case that the physician wants the injured worker to test the limits of their restrictions during the course of normal life activities in order to hasten recovery or maintain the function of the injured body part. At the same time, the physician does not want to subject the healing worker to the repetitive stress of timed production work.

Injured letter carriers should seek clarification from their physicians about the scope of their restrictions. If

it is the physician’s medical judgment that the restrictions should apply only to the work environment, the physician should put this in writing over their signature and attach it to the CA-17 or other statement of medical restrictions. The statement could be something along the following lines:

These restrictions apply to timed and repetitive production work in an industrial setting such as casing and delivering mail. To aid my patient’s recovery from their injury [or to maintain the function of the injured body part] they have been advised to use their arms to the extent tolerable as they go about their activities of daily living away from work. This includes the occasional reaching above the shoulder in activities that occur while doing routine life activities.

Such a statement could go a long way toward clarifying the situation for both the injured worker and the Postal Service. It might even hasten the injured worker’s recovery and return to work, as it also reflects recent trends in rehabilitative medicine.

For many years, medical specialists had taken for granted that rest was the most important factor in recovering from injuries. Over the past few decades, however, medical specialists have revised how they manage the recovery of many types of injuries. Bed rest may be indicated, at least initially, for some injuries. But because of recent advancements in areas of medicine such as orthopedic, space and sports medicine, physicians treating many injuries have adopted a “use it or lose it” approach to medical rehabilitation. Disuse results in atrophy and the general deterioration of the injured body part. Testing the limitations of the injury to the extent tolerable, and judicious exercise, hasten recovery not only by increasing the strength and mobility of the injured worker, but also by improving their confidence and outlook.

It is in the injured worker’s and the Postal Service’s interest for the injured worker to recover and return to work as soon as possible. Clarification of work restrictions can help here. Any clarification of work restrictions should always reflect the best medical judgment of the injured worker’s physician. And, of course, the injured worker should always carefully observe the work restrictions imposed by their physician.