

Medical evidence and OWCP, Part 6

The CA-2 for occupational disease, continued



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This month's column concludes the discussion that began in January's column on the medical evidence needed to establish a CA-2 occupational disease claim.

4. OWCP requires a description of the physiological mechanism by which the work duties caused, contributed to, exacerbated, or accelerated the diagnosed conditions

The single most important item that the Office of Workers' Compensation Programs (OWCP) requires in a medical report—the causal explanation—is unfortunately the item that most attending physicians have the hardest time understanding and writing. Doctors are very interested in diagnosing and treating their patients' injuries. And they are also interested in getting paid. Most insurers require detailed diagnostic information and an explanation explaining the necessity of the treatment from the doctor before they pay them. No other insurer, however, apart from OWCP, requires a causal explanation. It is a bureaucratic element that OWCP requires before it can accept a claim ("mechanism of injury" is a term unique to OWCP).

The attending physician must explain in biomechanical terms how the specific work duties that the injured letter carrier describes in their work narrative—casing mail, reaching, lifting, climbing, walking, etc.—either caused or even just contributed to the diagnosed conditions.

In their report, the attending physician should state that they have reviewed the injured letter carrier's description of their job duties, and explain how those duties caused or even just contributed to the diagnosed conditions.

It is vital to understand that a physician's mere statement that there is a causal relationship between the work factors and the injury will not be sufficient for OWCP to accept a claim. There are also some basic bureaucratic and procedural distinctions that the attending physician should understand before writing the causal explanation.

a. Work only has to be a contributing factor to the injury for the claim to be accepted, it can even be a small contributing factor

This concept is discussed in detail in the September 2023 column under the "Non-Appportionment Rule."

OWCP makes the point this way on the new CA-20 form:

Please note that there is no apportionment under the FECA. Any contribution from work factors is compensable. However, you must explain how the work activity or workplace

incident was sufficient to have caused or aggravated the diagnosed conditions for your response to be accepted. Any contribution from work factors is compensable.

b. A degree of "reasonable medical certainty" is required for the claim to be accepted

The concept of "reasonable medical certainty" also is discussed in detail in the September 2023 column. The attending physician should avoid terms such as "possibly," "could," "may" or "might be" because OWCP will find them speculative and deny the claim. OWCP does not require absolute medical certainty, but it does require "reasonable medical certainty," the belief that the claimed work factors likely or probably caused or contributed to the diagnosed conditions.

c. The attending physician should describe the biomechanical process by which the work factors caused or contributed to the diagnosed conditions

Here is an example of an explanation of "mechanism of injury" for an arthritic knee injury that OWCP found acceptable:

Given that Mr. [Doe] is 59 years old, one would expect to find some pre-existing arthritic changes in his knees. This arthritis, however, has been permanently accelerated by four decades and tens of thousands of hours of repetitive activities at work involving his knees. His osteoarthritis is characterized by progressive and degenerative changes in the articular cartilage, bone, and other joint issues. In the course of his work as a Letter Carrier, his knee joints were subjected to countless cycles of loading... passing through the joints of his knees. His altered gait while carrying a weighted satchel increased the joint stress upon his knees. The altered and abnormal joint loading and overuse that came from years of pivoting and twisting while sorting and delivering mail resulted in an increase of the shear forces that lead to alterations in the composition and structures of articular cartilage. The excessive loading of his knees as a result of both long-term and heavy weight loading... also influenced inflammation and degeneration as it occurred on a daily basis over time.

This is an example of the sort of rationale OWCP requires. Every rationale, of course, will be different depending on the specific fact circumstances. The attending physician should write a similar brief, but detailed, rationale based on the work duties described in the injured letter carrier's work narrative.

If the attending physician has any questions on the content of an acceptable medical report for a CA-2 occupational disease claim, the injured worker should provide them with copies of the September 2023, January 2024 and March 2024 workers' compensation columns.