

OWCP MEDICAL REPORT CHECKLIST FOR PHYSICIAN

by Howard Graham, Attorney

To determine eligibility for FECA benefits, the OWCP requires a medical report to include the following information:

- a. Dates of examination or treatment;
- b. A description of the job duties of the claimant and the specific date the injury occurred;
- c. Clinical history given to the physician, including the specific date and facts of how the injury occurred;
- d. Detailed description of physical findings;
- e. Results of any x-ray or laboratory tests;
- f. Diagnosis;
- g. Prognosis;
- h. Description of impairment, if any, describing how the injury contributed to the disabling condition;
- i. Describe specific physical limitations for work that are residuals, permanent or temporary of the injury, in present tense as active restrictions (Do not mention the possibility of future re-injury as a limitation or discuss limitations as preventative restrictions.)
- j. Clinical course of treatment followed;
- k. The physician's reasoned opinion as to the relationship between the disabling condition found and factors of Federal employment. Most importantly, when discussing (j), your reasoned opinion, indicate whether the specific job duties the federal employee was performing at the time of injury contributed, on a more probable than not basis, to the claimant's disabling condition.) Explain the physiological basis for the disabling condition. The non-medically trained OWCP claims examiners will disregard a physicians opinion for not explaining the mechanics of the injury.

More probable than not is similar to the term reasonable medical certainty or reasonable probability, both of which mean a preponderance, (51%-49%), of the evidence for workers compensation purposes. FECA rules, unlike State L & I standards, do not require that the injury be a significant cause of the disabling condition or the permanent residuals of the injury.

So long as the work related injury contributed, in any way, to the disabling condition, or the permanent residuals of the injury, the condition is compensable for FECA compensation. The term contributed to has been interpreted by the Employees Compensation Appeals Board to mean to the slightest, or as not requiring that the work factors contribution to the injury be a significant factor leading to the disabling condition.

Rudy C. Sixta, Jr. 44 ECAB 727,731 n. 3. (1993).