



**U.S. Department of Labor**  
Occupational Safety & Health Administration

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## Standard Interpretations

### 12/21/2005 - Determining if an injury is considered a new recordkeeping case based on a recurrence of previously recorded symptoms.

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• **Standard Number:** 1904; 1904.5(b)(3); 1904.6

December 21, 2005

Mr. Dave Beyer  
Lucas Milhaupt, Inc.  
5656 S. Pennsylvania Ave.  
Cudahy, WI 53110-0638

Dear Mr. Beyer:

We have recently received your letter dated May 9, 2005 regarding the OSHA Injury and Illness Recordkeeping regulation, 29 CFR Part 1904, and its application to the OSHA 300 log.

Your letter and the attached report of the attending physician, Dr. Seter, indicate that an employee suffered work-related carpal tunnel syndrome in 2000 for which he received cortisone injections. Following treatment, the employee experienced "overall improvement." In 2005, while working in a new job in a different area of the establishment, the employee complained of increased numbness and tingling of the hands. Dr. Seter does not believe that the employee's new job duties significantly contributed to the 2005 symptoms. You requested clarification as to whether the case should be recorded on the log for the year 2000 and whether any entry should be made on the 2005 log.

The case should have been recorded on the log for the year 2000 because the diagnosis of carpal tunnel syndrome and medical treatment (cortisone shots) occurred in that year. An additional entry should be made on the 2005 log if you determine that the numbness and tingling symptoms in 2005 constitute a "new case" within the meaning of 29 CFR 1904.6, and the symptoms result in medical treatment, days away from work, or restricted work in 2005.

Section 1904.6 provides, in relevant part, that an injury or illness should be considered a new case if "[t]he employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear." The central issues in your case are whether the employee's carpal tunnel syndrome symptoms disappeared following the 2002 cortisone shots and, if so, whether the employee's new job duties were a cause of the recurrence of symptoms, even if not the sole or predominant cause. Dr. Seter's report does not definitively resolve these issues, since he concluded only that there was overall improvement in the employee's condition following treatment in 2002 and that the new job duties did not *significantly* contribute to the recurrence of symptoms.

In addition, Section 1904.5(b)(3) states that if it seems likely that a new event or exposure in the work environment was a contributing or aggravating factor, the case should be recorded on the 2005 log. Please remember that ANY work contribution makes a case work

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. In addition, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please contact the Division of Recordkeeping Requirements, at 202-693-1876.

Sincerely ,

Keith Goddard, Director  
Directorate of Evaluation and Analysis

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