

Summary with details and opinion of: OSHA section 1940.4a, OSHA letter to Mr. Blankenheim dated 1/25/10 and the recordability of muscle soreness.

OSHA Recordkeeping regulations, Section 1904.4a, provides an employer must record each case of an occupational injury and illness that meets all of the following requirements:

- Meets the regulation's definition of "injury or illness", further defined as an abnormal condition or disorder;
- Is work related;
- Is a new case and not a continuation of an old case; and
- Meets one or more of the general recording criteria in section 1904.7 (e.g., days away from work, restricted work or job transfer, medical treatment beyond first aid)

An injury or illness is further defined as an "abnormal condition or disorder". OSHA has stated in their January 25th 2010 letter to Mr. Eric Blankenheim, "... an abnormal condition need not include objective signs, such as results from laboratory tests or medical evaluations, in order to be considered an injury or illness. Simple subjective signs, such as an employee's statement that he or she feels pain or other symptoms such as muscle soreness, of and by themselves, would be conclusive in determining that an abnormal condition exists."

It further states "Thus, for example, work-related muscle soreness that reaches the level of abnormal condition but does not require days away from work, did not require medical treatment beyond first aid, and is able to fully perform all job functions (albeit at a slower pace) without work restriction or job transfer would not be recordable."

So, an employee who has muscle soreness from work which has reached the abnormal condition threshold, does not have a recordable work related injury unless they miss work, are not able to do their job or receive treatment beyond first aid.

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"The health of the employee is the health of the company."

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