

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CARNELL JOHNSON and U.S. POSTAL SERVICE,
POST OFFICE, New Orleans, LA

*Docket No. 00-1837; Submitted on the Record;
Issued April 13, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that he sustained a recurrence of disability beginning July 10, 1999 causally related to the March 3, 1999 employment injury.

On March 3, 1999 appellant, then a 41-year-old letter carrier, experienced a sharp pain in his back after lifting a loaded mail satchel onto his right shoulder. The Office of Workers' Compensation Programs accepted the claim for lumbar strain. Following the injury, appellant was restricted to sedentary duties until July 6, 1999, when he returned to unrestricted full-time duty.

On July 22, 1999 appellant filed a notice of recurrence of disability alleging that, upon return to full duty on July 10, 1999, his back pain recurred, presumably due to carrying a loaded satchel and prolonged walking. Appellant did not stop work following the alleged recurrence.

On August 5, 1999 the Office advised appellant that it required additional medical evidence, including clinical notes of all treatment received for the accepted condition since March 4, 1999, and a physician's opinion with supporting explanation as to causal relationship between his current condition and the original injury. The Office advised that if the requested evidence was not received within 30 days his claim might be denied. Appellant did not submit any evidence within the allotted time frame.

By decision dated September 7, 1999, the Office denied the recurrence of disability claim on the basis that there was insufficient evidence to establish a change in the nature and extent of appellant's injury-related condition, which prevented him from performing his work duties.

On September 29, 1999 appellant requested a review of the written record. In support, appellant submitted evidence including treatment notes dated September 3 and 21, 1999 from Dr. T.A. Hawley, an attending physician, and duty status reports with corresponding dates. In

each treatment note, Dr. Hawley reported that appellant returned with right lower back pain which appellant indicated had not resolved since March 3, 1999. Dr. Hawley further related that appellant denied any other injuries or problems since that time. In each duty status report dated September 3 and 21, 1999, Dr. Hawley indicated that appellant had suffered pain to his lower back and advised that appellant could resume work with limitations.

Following a review of the written record, by decision dated January 14, 2000, an Office hearing representative affirmed the prior decision. The Office hearing representative found that the claimed recurrence of July 10, 1999 was not supported by an explanation or reasoned medical opinion based on a complete and accurate factual and medical background showing how appellant's recurrence was causally related to the March 3, 1999 injury.

The Board finds that appellant failed to submit sufficient medical evidence to establish that he sustained a recurrence of disability on or about July 10, 1999 due to the March 3, 1999 employment injury.

An individual who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which compensation is claimed is causally related to the accepted injury.¹ This burden includes the necessity of furnishing medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical rationale.² Where no such rationale is present, medical evidence is of diminished probative value.³

In the instant case, no rationalized medical opinion was submitted to support the July 22, 1999 claim alleging a causal relationship between appellant's alleged recurrence of disability commencing July 10, 1999 and his March 3, 1999 employment injury. The treatment notes and corresponding duty status reports dated September 2 and 21, 1999 signed by Dr. Hawley do not constitute complete, rationalized medical evidence. None of the reports set forth the complete medical background of appellant, discuss the claimed recurrence on July 10, 1999 or explain the nature of the relationship between appellant's condition on July 10, 1999 and the March 3, 1999 employment injury.

Appellant failed to submit rationalized medical evidence establishing that his claimed recurrence of disability is causally related to the accepted employment injury and, therefore, the Office properly denied his claim for compensation.

¹ *Charles H. Tomaszewski*, 39 ECAB 461, 467 (1988); *Dominic M. DeScala*, 37 ECAB 369, 372 (1986).

² *Mary S. Brock*, 40 ECAB 461, 471-72 (1989); *Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

³ *Michael Stockert*, 39 ECAB 1186, 1187-88 (1988).

The decisions of the Office of Workers' Compensation Programs dated January 14, 2000 and September 7, 1999 are affirmed.

Dated, Washington, DC
April 13, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member