

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CAROLYN R. DANIELS and U.S. POSTAL SERVICE,
PHILADELPHIA BULK MAIL CENTER, Philadelphia, PA

*Docket No. 00-595; Submitted on the Record;
Issued January 8, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she sustained a recurrence of disability from March 6 to July 17, 1998 causally related to an accepted December 28, 1995 employment injury.

On December 28, 1995 appellant, then a 44-year-old mailhandler, filed a notice of traumatic injury (CA-1), alleging that on that same day she injured her right shoulder when she pulled on a mail sack that was stuck on another mail sack and felt a sharp pain in her right shoulder and a tingling sensation in her hand. She returned to work on January 3, 1996. The Office of Workers' Compensation Programs accepted the claim for the right shoulder strain.

On July 6, 1998 appellant filed a number of Form CA-8's, claims for continuing disability, alleging disability from June 6 to July 17, 1998.¹

On September 18, 1998 the Office denied appellant's claim for temporary total disability for the period of June 6 through July 17, 1998, stating that appellant did not provide detailed medical and factual evidence to establish that her disability during the period claimed was related to her work injury of December 28, 1995.

On November 1, 1998 appellant requested an oral hearing before the Office, which was granted and held on May 24, 1999.

On August 10, 1999 the hearing representative affirmed the Office's September 18, 1998 decision denying appellant's claim for temporary total disability from June 6 to July 17, 1998. The hearing representative also noted that during the hearing appellant had testified that she was disabled from March 6 to June 8, 1998, but that appellant had not established disability during this time period either.

¹ It should be noted that on May 26, 1998 appellant filed a notice of traumatic injury (CA-1) for lifting on November 7, 1993 and on August 27, 1998 she filed a notice of occupational injury (CA-2) for lifting on November 7, 1993. These claims are not before the Board at this time.

The Board finds that appellant has failed to establish that she sustained a recurrence of disability from March 6 to July 17, 1998 causally related to her December 28, 1995 employment injury.

Where appellant claims a recurrence of disability due to an accepted employment-related injury, she has the burden of establishing by the weight of the substantial, reliable and probative evidence that the subsequent disabilities for which she claims compensation are causally related to the accepted injury.² This burden includes the necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.³

In this case, appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her claimed disability for work from March 6 through July 17, 1998 and her accepted work-related injury on December 28, 1995.⁴ She submitted attending physician's reports (Forms CA-20a), dated July 6, 1998, from Dr. Joyce R. Rubin, Board-certified in internal medicine. These form reports list the diagnosis as a right shoulder strain and bilateral carpal tunnel syndrome and also note the appellant could resume part-time work on June 6, 1998 and full-time work on July 8, 1998. However, Dr. Rubin offered no medical explanation as to why appellant was unable to work after March 6, 1998 and why appellant's disability was causally related to the accepted December 28, 1995 injury. Dr. Rubin noted that appellant had sustained injuries on October 1, 1992, November 17, 1993, December 28, 1995, September 28, 1997 and March 6, 1998.⁵ Dr. Rubin offered no medical explanation as to why the December 28, 1995 employment injury would have caused appellant's disability commencing March 6, 1998, over two years later. Such opinion is especially necessary given appellant's allegations of other shoulder injuries which have not been accepted by the Office.

Appellant also submitted evidence consisting of reports dated August 26, 1998 from Dr. Brian J. Sennett, Board-certified in orthopedic surgery and Dr. Melvin Turner, an osteopathic physician. These reports noted diagnoses of right shoulder impingement syndrome and calcific tendonitis of the right shoulder. These reports did not address whether appellant was disabled, or whether appellant's current conditions were causally related to the December 28, 1995 injury.

The only medical report of record which addresses the issue of disability and causal relationship is the June 8, 1999 report from Dr. Rubin, who explains that appellant stopped working on March 6, 1998 due to an exacerbation of her chronic right shoulder strain, and was able to return to "essentially part-time" work on June 6, 1998. She thereafter opined: "it is my personal opinion that all of these episodes, that is March 1998, December 1995 and November 1993 relate to the same intrinsic problem in [appellant's] right shoulder, and she appears to have a chronic right shoulder strain/tendinitis." While Dr. Rubin notes that appellant's condition in

² *Jose Hernandez*, 47 ECAB 288 (1996).

³ *Id.*

⁴ *Dominic M. DeScala*, 37 ECAB 369, 372 (1986).

⁵ The record is unclear, however, it appears that the October 1, 1992 injury was accepted for carpal tunnel syndrome and the 1993 injury was a recurrence of the 1992 injury.

March 1998 was intrinsically the same chronic right shoulder condition she had in December 1995 and November 1993, she did not explain medically why appellant again became disabled in 1998 and why appellant's disability in 1998 was causally related to the accepted December 1995 injury. This is important here as appellant has alleged that she sustained multiple other shoulder injuries from October 1992 until September 28, 1997.

Appellant's allegation of a recurrence of disability must be supported by rationalized medical evidence explaining the relationship between the accepted injury and the period of disability. An opinion that a work-related injury several years prior causes disability must be based on bridging evidence between the injury and the period of disability or other explanation.⁶ Without supporting medical rationale from a physician, appellant's personal belief that she was totally disabled from June 6 to July 17, 1998 due to the December 1995 injury is not sufficient to establish her claim.⁷

Consequently, appellant has not met her burden of proof in establishing a causal relationship, as she did not submit sufficient rationalized medical evidence demonstrating that she was totally disabled from June 6 through July 17, 1998 due to her work-related injury of December 28, 1995.⁸

The decisions of the Office of Workers' Compensation Programs dated August 10, 1999 and September 18, 1998 are hereby affirmed.

Dated, Washington, DC
January 8, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

⁶ *Linda L. Mendenhall*, 41 ECAB 532 (1990).

⁷ *Alfredo Rodriguez*, 47 ECAB 437 (1996).

⁸ *Id.*