

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DORIS J. GARRETT and DEPARTMENT OF VETERANS AFFAIRS,  
VETERANS ADMINISTRATION MEDICAL CENTER, Houston, TX

*Docket No. 01-2182; Submitted on the Record;  
Issued May 24, 2002*

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DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,  
WILLIE T.C. THOMAS

The issue is whether appellant sustained a recurrence of disability beginning April 1, 2001 causally related to her accepted August 26, 1997 employment injury.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to establish that she sustained a recurrence of disability beginning April 1, 2001 causally related to her accepted August 26, 1997 employment injury.

On August 26, 1997 appellant, then a 53-year-old supply worker, filed a traumatic injury claim alleging that on that date she experienced pain in her middle and lower back when she tilted a box weighing 35 pounds and slide it onto a scale.

By letter dated October 23, 1997, the Office of Workers' Compensation Programs accepted appellant's claim for a lumbar strain.

On April 10, 2001 appellant filed a claim alleging that she sustained a recurrence of disability on April 1, 2001.<sup>1</sup> Appellant stated that she was sitting at home on April 1, 2001 and her pain was very severe that she had to call Dr. Thomas D. Greider, a Board-certified orthopedic surgeon, to make an appointment for April 5, 2001.

In a May 9, 2001 letter, the Office advised appellant to submit factual and medical evidence supportive of her recurrence claim.

By decision dated June 22, 2001, the Office found the evidence of record insufficient to establish that appellant sustained a recurrence of disability beginning April 1, 2001 causally related to her August 26, 1997 employment injury.

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<sup>1</sup> The record reveals that appellant retired from the employing establishment on April 30, 2000.

An individual who claims a recurrence of disability resulting from an accepted employment injury has the burden of establishing that the disability is related to the accepted injury. This burden requires 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 who supports that conclusion with sound medical reasoning.<sup>2</sup>

The medical evidence of record fails to establish that appellant sustained a recurrence of disability beginning April 1, 2001 causally related to her August 26, 1997 employment injury. While appellant alleged that her pain became very bad, that it was the same pain she felt when she was injured in 1997 and occurred in the same area, appellant did not provide any recent medical evidence in support of her allegation. The most recent medical evidence of record predates appellant's April 10, 2001 notice of recurrence by two months. Dr. Greider's February 5, 2001 reports and treatment notes of the same date reveal that appellant has SI dysfunction and lumbar radiculopathy. Dr. Greider's reports and treatment notes, however, are not relevant to appellant's claim of disability commencing April 1, 2001. Appellant has not provided any other medical evidence indicating that her condition has deteriorated since Dr. Greider's last reported examination on February 5, 2001. Consequently, appellant has failed to establish that she sustained a recurrence of disability beginning April 1, 2001 causally related to her accepted August 26, 1997 employment injury. The Office, therefore, properly denied appellant's claim for recurrence of disability.

The June 22, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
May 24, 2002

Alec J. Koromilas  
Member

Colleen Duffy Kiko  
Member

Willie T.C. Thomas  
Alternate Member

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<sup>2</sup> *Louise G. Malloy*, 45 ECAB 613 (1994); *Lourdes Davila*, 45 ECAB 139 (1993); *Robert H. St. Onge*, 43 ECAB 1169 (1992).