

**United States Department of Labor
Employees' Compensation Appeals Board**

M.G., Appellant)	
)	
and)	Docket No. 21-1386
)	Issued: May 29, 2024
U.S. POSTAL SERVICE, BLUE VALLEY)	
BRANCH, Shawnee Mission, KS, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

JURISDICTION

On September 18, 2021 appellant filed a timely appeal from a June 22, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP).¹ Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to consider the merits of this case.

ISSUE

The issue is whether appellant has met her burden of proof to establish a recurrence of disability commencing March 30, 2021 causally related to her accepted January 6, 2017 employment injury.

¹ Appellant asserted that she was appealing a June 18, 2021 OWCP decision. There is no decision of this date in the record before the Board.

² 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

On January 6, 2017 appellant, then a 47-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on that date she fractured her right arm when she slipped and fell on ice while in the performance of duty. She stopped work on January 6, 2017 and returned to limited duty on February 8, 2017. OWCP accepted the claim for closed fracture of the right ulnar. It subsequently expanded the claim to include other injuries of the right wrist, hand, and fingers, initial encounter. On January 6, 2020 appellant underwent an OWCP-authorized arthroscopic debridement of the right wrist. OWCP thereafter paid her wage-loss compensation on the supplemental rolls.

Appellant accepted a modified-duty rural carrier associate position on January 13, 2020, which required lifting up to 20 pounds with her left arm only, simple grasping with the left hand only, and reaching above the shoulder with the left hand only.

In an April 17, 2020 note, Dr. John T. Knight, a Board-certified orthopedic surgeon, diagnosed traumatic arthritis of the distal radius. He provided permanent work restrictions, including no gripping with the right hand and no lifting over 20 pounds. In an October 28, 2020 report, Dr. Knight repeated his findings and restrictions.

On March 23, 2021 the employing establishment provided appellant with a modified-duty rural carrier position working an average of 31.65 hours a week. The position included requirements of lifting up to 20 pounds for two hours intermittently, pulling and pushing up to 20 pounds for one hour intermittently, and simple grasping for one to eight hours intermittently. Appellant indicated on the job offer that she required a medical update.

OWCP subsequently received a February 18, 2021 report, wherein Dr. Knight completed a work status and restrictions form, indicating that appellant could return to work eight hours a day, with no lifting over 20 pounds. Dr. Knight included a note that she could perform no repetitive gripping and grasping. In a March 23, 2021 duty status report (Form CA-17), he provided restrictions, including no lifting over 20 pounds, no climbing, no pulling or pushing, and no simple grasping.

On March 31, 2021 Dr. Knight submitted a work status note, repeating his findings. In an accompanying Form CA-17, he reported that appellant could not lift over 20 pounds, could never climb, and could never push, pull, or perform simple grasping.

Beginning on April 30, 2021 appellant filed claims for compensation (Form CA-7) for disability from work commencing March 30, 2021.

In a May 13, 2021 compensation claim development letter, OWCP informed appellant for the deficiencies of her recurrence claim. It advised her of the type of factual and medical evidence needed and afforded her 30 days to respond.

OWCP subsequently received a March 31, 2021 treatment note, wherein Dr. Knight diagnosed injury of the triangular fibrocartilage complex (TFCC) of the right wrist and status postarthroscopic debridement of the right wrist with degenerative arthritis. Dr. Knight listed her restrictions as no repetitive gripping or grasping, and no lifting over 20 pounds.

On May 18, 2021 Dr. Knight completed a work capacity evaluation (Form OWCP-5c), finding that appellant was partially disabled. He found that she could work eight hours a day performing sedentary or light duty, with no repetitive movements of the wrists, no climbing, and lifting no more than 20 pounds.

By decision dated June 22, 2021, OWCP denied appellant's claim for a recurrence of disability commencing March 30, 2021, finding that the medical evidence of record was insufficient to establish that her accepted condition had worsened such that she was disabled from work commencing March 30, 2021.

LEGAL PRECEDENT

A recurrence of disability means an inability to work after an employee has returned to work, caused by a spontaneous change in a medical condition that had resulted from a previous injury or illness without an intervening injury or new exposure to the work environment that caused the illness.³ This term also means an inability to work when a light-duty assignment made specifically to accommodate an employee's physical limitations due to the work-related injury or illness is withdrawn, except when such withdrawal occurs for reasons of misconduct, nonperformance of job duties or a reduction-in-force, or when the physical requirements of such an assignment are altered so that they exceed his or her established physical limitations.⁴

When an employee who is disabled from the job he or she held when injured on account of employment-related residuals returns to a limited-duty position, or the medical evidence of record establishes that he or she can perform the limited-duty position, the employee has the burden of proof to establish by the weight of the reliable, probative, and substantial evidence a recurrence of total disability, and to show that he or she cannot perform such limited-duty work.⁵ As part of this burden of proof, the employee must show either a change in the nature and extent of the injury-related condition, or a change in the nature and extent of the limited-duty job requirements.⁶

An employee who claims a recurrence of disability from an accepted employment injury has the burden of proof to establish that the disability is related to the accepted injury. This burden of proof includes the necessity of furnishing evidence from a qualified physician who concludes, on the basis of a complete and accurate factual and medical history that, for each period of disability claimed, the disabling condition is causally related to the employment injury and

³ 20 C.F.R. § 10.5(x); *see C.L.*, Docket No. 20-1631 (issued December 8, 2021); *J.D.*, Docket No. 18-1533 (issued February 27, 2019).

⁴ *Id.*

⁵ *R.M.*, Docket No. 20-0486 (issued June 9, 2021); *see D.W.*, Docket No. 19-1584 (issued July 9, 2020); *S.D.*, Docket No. 19-0955 (issued February 3, 2020); *Terry R. Hedman*, 38 ECAB 222 (1986).

⁶ *M.M.*, Docket No. 20-0419 (issued September 22, 2021); *L.S.*, Docket No. 18-1494 (issued April 12, 2019); *F.C.*, Docket No. 18-0334 (issued December 4, 2018); *A.M.*, Docket No. 09-1895 (issued April 23, 2010); *J.F.*, 58 ECAB 124 (2006). 20 C.F.R. § 10.5(x). *See also Richard A. Neidert*, 57 ECAB 474 (2006); *Terry R. Hedman, id.*

supports that conclusion with medical reasoning.⁷ Where no such rationale is present, the medical evidence is of diminished probative value.⁸

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a recurrence of disability commencing March 30, 2021, causally related to the accepted January 6, 2017 employment injury.

Appellant accepted a modified-duty rural carrier associate position on January 13, 2020, which required lifting up to 20 pounds with her left arm only, simple grasping with the left hand only, and reaching above the shoulder with the left hand only. On March 23, 2021 the employing establishment provided her with a modified-duty rural carrier position working an average of 31.65 hours a week. The position included requirements of lifting up to 20 pounds for two hours intermittently, pulling and pushing up to 20 pounds for one hour intermittently, and simple grasping for one to eight hours intermittently. Appellant indicated on the March 23, 2021 job offer that she required a medical update. She subsequently stopped work and filed Form CA-7 claims for compensation for disability from work commencing March 30, 2021, which OWCP adjudicated as a claim for a recurrence of disability.

In support of her recurrence claim, appellant submitted evidence from Dr. Knight. On February 18, 2021 Dr. Knight completed a work status and restrictions form indicating that appellant could return to work eight hours a day, with no lifting over 20 pounds. He included a note providing additional restrictions of no repetitive gripping and grasping. In a March 23, 2021 Form CA-17, Dr. Knight provided restrictions of no lifting over 20 pounds, no climbing, no pulling or pushing, and no simple grasping. On March 31, 2021 he submitted a work status repeating his findings. In an accompanying Form CA-17, Dr. Knight reported that appellant could not lift over 20 pounds, could never climb, and could never push, pull, or perform simple grasping. OWCP also received a March 31, 2021 treatment note, wherein Dr. Knight diagnosed injury of the TFCC of the right wrist and status postarthroscopic debridement of the right wrist with degenerative arthritis. Dr. Knight listed appellant's restrictions as no repetitive gripping or grasping and no lifting over 20 pounds. In a May 18, 2021 Form OWCP-5c, he found that she was partially disabled. Dr. Knight found that appellant could work eight hours a day performing sedentary or light duty, with no repetitive movements of the wrists, no climbing, and lifting no more than 20 pounds. However, while he opined that her condition had worsened such that she had increased medical restrictions, he did not provide rationale explaining how or why her condition had worsened such that she was disabled from work commencing March 30, 2021. The Board has held that a medical report is of limited probative value on the issue of causal relationship if it contains a conclusion regarding causal relationship which is unsupported by medical rationale.⁹

⁷ *H.T.*, Docket No. 17-0209 (issued February 8, 2019); *Ronald A. Eldridge*, 53 ECAB 218 (2001).

⁸ *E.M.*, Docket No. 19-0251 (issued May 16, 2019); *Mary A. Ceglia*, Docket No. 04-0113 (issued July 22, 2004).

⁹ *See C.B., widow of S.B.*, Docket No. 19-1629 (issued April 7, 2020); *V.T.*, Docket No. 18-0881 (issued November 19, 2018); *S.E.*, Docket No. 08-2214 (issued May 6, 2009); *T.M.*, Docket No. 08-0975 (issued February 6, 2009).

As Dr. Knight's reports are conclusory in nature, they are of limited probative value and insufficient to establish appellant's recurrence claim.¹⁰

As the medical evidence of record is insufficient to establish a recurrence of disability commencing March 30, 2021 causally related to the accepted January 6, 2017 employment injury, the Board finds that appellant has not met her burden of proof.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a recurrence of disability commencing March 30, 2021, causally related to the accepted January 6, 2017 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the June 22, 2021 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 29, 2024
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

¹⁰ See *J.I.*, Docket No. 23-0659 (issued April 17, 2024); *M.S.*, Docket No. 19-0189 (issued May 14, 2019); *L.T.*, Docket No. 18-1603 (issued February 21, 2019); *B.H.*, Docket No. 18-1219 (issued January 25, 2019); *Birger Areskog*, 30 ECAB 571 (1979).