United States Department of Labor
Employees' Compensation Appeals Board

B.A., Appellant	)	
and	)	**Docket No. 25-0137**
	)	**Issued: January 22, 2025**
PEACE CORPS, PEACE CORPS VOLUNTEER SERVICES TONGA, Washington, DC, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On November 25, 2024 appellant filed a timely appeal from a June 13, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUES

The issues are: (1) whether appellant has met his burden of proof to establish a recurrence of the need for medical treatment as of April 15, 2024, causally related to the accepted employment injury; and (2) whether appellant has met his burden of proof to expand the acceptance of his claim to include a low back condition as causally related to, or consequential to, the accepted employment injury.

[1] 5 U.S.C. § 8101 *et seq*.

FACTUAL HISTORY

On July 25, 2010 appellant, then a 27-year-old Peace Corps volunteer, filed an occupational disease claim (Form CA-2) alleging that he sustained left calf pain due to factors of his federal employment. He indicated that he first became aware of his condition and its relationship to his federal employment on January 15, 2009. Appellant stopped work on January 14, 2010.

In a July 15, 2010 report, Dr. Amy E. Stromwell, an emergency medicine specialist, examined appellant and diagnosed ongoing irritation of the left proximal calf secondary to chronic strain and fibrotic areas.

OWCP accepted the claim for sprain of the left calf on October 1, 2010.

OWCP authorized physical therapy treatments from October 21, 2010 through January 4, 2011.

On April 16, 2024 appellant filed a notice of recurrence of the need for medical treatment only (Form CA-2a). He noted that the recurrence occurred as of April 15, 2024. Appellant indicated that after returning to work following the original injury, he was not limited in performing his usual duties. He explained that he received a magnetic resonance imaging (MRI) scan and spinal injection in 2010, which relieved his pain, but that the pain had returned in the same location. Appellant alleged that his left calf/leg pain was constant.

In a development letter dated April 23, 2024, OWCP informed appellant of the deficiencies of his recurrence claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. OWCP afforded appellant 30 days to respond.

On May 13, 2024 appellant replied to OWCP's questionnaire. He explained that upon his return from service with the employing establishment, an MRI scan indicated an injury to the lower spine, which was treated with an injection at C4-5. Appellant noted that his physician had advised him that he would likely require another injection in 10 years, and that 14 years had passed. He stated that he had received chiropractic care in the intervening years and had not experienced an injury to his lower back during that time. Appellant requested additional care and resources to treat his condition.

By decision dated June 13, 2024, OWCP denied appellant's recurrence claim, finding that he had not established that he required additional medical treatment due to a worsening of his accepted work-related condition without an intervening cause. It also found that the medical evidence of record was insufficient to establish expansion of the acceptance of his claim to include a low back condition as causally related to, or consequential to, the accepted employment injury.

LEGAL PRECEDENT -- ISSUE 1

The United States shall furnish to an employee who is injured while in the performance of duty the services, appliances, and supplies prescribed or recommended by a qualified physician

that the Secretary of Labor considers likely to cure, give relief, reduce the degree or the period of any disability, or aid in lessening the amount of any monthly compensation.[2]

A recurrence of a medical condition means a documented need for further medical treatment after release from treatment for the accepted condition or injury when there is no accompanying work stoppage.[3] An employee has the burden of proof to establish that he or she sustained a recurrence of a medical condition that is causally related to his or her accepted employment injury without intervening cause.[4]

If a claim for recurrence of medical condition is made more than 90 days after release from medical care, a claimant is responsible for submitting a medical report supporting a causal relationship between the employee's current condition and the original injury in order to meet his or her burden.[5] To meet this burden, the employee must submit medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, supports his or her conclusion with sound medical rationale.[6] Where no such rationale is present, medical evidence is of diminished probative value.[7]

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met his burden of proof to establish a recurrence of the need for medical treatment as of April 15, 2024, causally related to the accepted employment injury.

In a July 15, 2010 report, Dr. Stromwell diagnosed ongoing irritation of the left proximal calf secondary to chronic strain and fibrotic areas. However, he did not provide an opinion on whether appellant's recurrent need for medical treatment was causally related to the accepted employment injury. The Board has held that a medical report that does not offer an opinion on causal relationship is of no probative value on the issue of causal relationship.[8] Thus, this evidence is insufficient to establish appellant's recurrence claim.

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[2] 5 U.S.C. § 8103(a).

[3] 20 C.F.R. § 10.5(y).

[4] *See A.M.*, Docket No. 24-0413 (issued July 31, 2024); *K.H.*, Docket No. 22-0579 (issued September 15, 2022); *B.B.*, Docket No. 21-1359 (issued May 11, 2022); *Mary A. Ceglia*, Docket No. 04-113 (issued July 22, 2004).

[5] Federal (FECA) Procedural Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.4b (June 2013); *see also S.W.*, Docket No. 21-1094 (issued April 18, 2022); *J.M.*, Docket No. 09-2041 (issued May 6, 2010).

[6] *S.W., id.*; *A.C.*, Docket No. 17-0521 (issued April 24, 2018); *O.H.*, Docket No. 15-0778 (issued June 25, 2015).

[7] *S.W., id.*; *Michael Stockert*, 39 ECAB 1186 (1988).

[8] *See K.F.,* Docket No. 23-0749 (issued October 6, 2023); *C.H.,* Docket No. 22-1186 (December 22, 2022); *D.Y.,* Docket No. 20-0112 (issued June 25, 2020); *L.B.,* Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

As the medical evidence of record is insufficient to establish a recurrence of the need for medical treatment causally related to the accepted employment injury, the Board finds that appellant has not met his burden of proof.

LEGAL PRECEDENT -- ISSUE 2

When an employee claims that a condition not accepted or approved by OWCP was due to an employment injury, he or she bears the burden of proof to establish that the condition is causally related to the employment injury.[9]

FECA provides that an injury or illness sustained by a Peace Corps volunteer when he or she is outside the United States shall be presumed to have been sustained while in the performance of duty and proximately caused by federal employment.[10] However, the presumption will not arise if no injury or illness is diagnosed. Without a firm medical diagnosis, it is not possible to ascertain whether the condition was preexisting or congenital.[11]

ANALYSIS -- ISSUE 2

The Board finds that appellant has not met his burden of proof to expand the acceptance of his claim to include a low back condition as causally related to, or consequential to, the accepted employment injury.

In a July 15, 2010 report, Dr. Stromwell noted her examination of appellant and diagnosed ongoing irritation of the left proximal calf secondary to chronic strain and fibrotic areas. However, irritation of the left proximal calf secondary to chronic strain and fibrotic areas is not a firm diagnosis.[12] As noted above, the presumption of causal relationship afforded to Peace Corps volunteers will not arise if no injury or illness is diagnosed.[13] Without a firm medical diagnosis, it is not possible to ascertain whether the condition was preexisting or congenital.[14] Moreover, Dr. Stromwell did not provide an opinion on causal relationship between an additional condition and the accepted employment injury.[15] Thus, this evidence is insufficient to establish the claim.

[9] *See A.M.*, Docket No. 22-0707 (issued October 16, 2023); *V.P.*, Docket No. 21-1111 (issued May 23, 2022); *S.B.*, Docket No. 19-0634 (issued September 19, 2019); *Jaja K. Asaramo*, 55 ECAB 200, 204 (2004).

[10] *Supra* note 1 at § 8142(c)(3); 20 C.F.R. § 10.730(a); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Peace Corps Cases*, Chapter 2.1701 (November 2021); *see also C.S.,* Docket No. 23-0191 (issued June 21, 2023).

[11] *See C.S.*, *id*.; *S.S.*, 59 ECAB 152 (2007).

[12] *See S.C.,* Docket No. 14-383 (issued May 28, 2014); *Roy L. Humphrey*, Docket No. 05-1928 (issued November 23, 2005).

[13] *Id*.

[14] *Id.*

[15] *Supra* note 10.

As the medical evidence of record is insufficient to expand the acceptance of his claim to include a lower back condition as causally related to, or consequential to, the accepted employment injury, the Board finds that appellant has not met his burden of proof.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128 and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a recurrence of the need for medical treatment as of April 15, 2024, causally related to the accepted employment injury. The Board further finds that he has not met his burden of proof to expand the acceptance of his claim to include a low back condition as causally related to, or consequential to, the accepted employment injury.

ORDER

IT IS HEREBY ORDERED THAT the June 13, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 22, 2025
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

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

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board