

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of ROY E. ERWIN and DEPARTMENT OF THE AIR FORCE,  
TINKER AIR FORCE BASE, OK

*Docket No. 99-372; Submitted on the Record;  
Issued October 3, 2000*

---

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,  
VALERIE D. EVANS-HARRELL

The issue is whether appellant has met his burden of proof to establish that he sustained a recurrence of disability causally related to his accepted employment injury.

On December 16, 1991 appellant, then a 42-year-old aircraft sheetmetal mechanic, filed an occupational disease claim alleging that he sustained cracking and peeling of the skin on his right hand causally related to factors of his federal employment. He indicated that he first realized that he had an employment-related skin condition on January 4, 1989. The Office of Workers' Compensation Programs accepted appellant's claim on June 24, 1992 for resolved contact dermatitis. Appellant continued to perform his regular employment duties.

On October 15, 1997 appellant filed notice of recurrence of disability causally related to his accepted employment injury. He related that his "original injury never has been cured. It has been treated actually on a day-to-day basis and is not getting any better."

By letter dated June 17, 1998, the Office requested that appellant provide additional factual and medical information, including medical reports from 1992 onward and a rationalized report from his attending physician addressing the cause of his condition.

In a response dated July 6, 1998, appellant's representative indicated that appellant had been treated by physicians with the employing establishment and could not obtain his records. She requested that the Office obtain the information and refer appellant for a second opinion evaluation.

By decision dated July 21, 1998, the Office denied appellant's claim on the grounds that the evidence did not establish that he had a recurrence of disability causally related to his accepted employment injury.

The Board has duly reviewed the case record on appeal and finds that appellant has not established that he sustained a recurrence of disability causally related to his accepted employment injury.

Where appellant claims a recurrence of disability due to an accepted employment-related injury, he has the burden of establishing by the weight of the substantial, reliable and probative evidence that the subsequent disability for which he claims compensation is causally related to the accepted injury.<sup>1</sup> 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.<sup>2</sup>

In the instant case, appellant submitted no medical evidence in support of his claim for a recurrence of disability. The Office, by letter dated June 17, 1998, requested that appellant submit a detailed medical report containing a rationalized medical opinion regarding the cause of any diagnosed condition and its relationship to the accepted employment injury. In response, appellant's representative requested that the Office obtain the information from the employing establishment. However, as discussed above, it is appellant's burden to submit evidence in support of his claim.<sup>3</sup> The burden includes presenting rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relationship.<sup>4</sup> Appellant failed to submit such evidence and therefore failed to discharge his burden of proof.

---

<sup>1</sup> *Robert H. St. Onge*, 43 ECAB 1169 (1992).

<sup>2</sup> *Id.*

<sup>3</sup> *See Anna C. Leanza*, 48 ECAB 115 (1996); *Diane Williams*, 47 ECAB 613 (1996).

<sup>4</sup> *Robert G. Morris*, 48 ECAB 238 (1996).

The decision of the Office of Workers' Compensation Programs dated July 21, 1998 is hereby affirmed.

Dated, Washington, DC  
October 3, 2000

David S. Gerson  
Member

Michael E. Groom  
Alternate Member

Valerie D. Evans-Harrell  
Alternate Member