

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM T. NAPOLI and U.S. POSTAL SERVICE,
GULFWINDS STATION, St. Petersburg, FL

*Docket No. 01-353; Submitted on the Record;
Issued July 25, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability from October 18 through 21, 1999 and January 8 through 11, 2000 causally related to his July 8, 1998 employment injury.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to meet his burden of proof that he sustained a recurrence of disability causally related to his accepted employment injury.

On July 8, 1998 appellant, then a 52-year-old city mail carrier, filed a traumatic injury claim alleging that he injured his lower back when his vehicle was hit in the rear while he was sitting at a stoplight. Appellant stopped work that day.

By letter dated August 6, 1998, the Office of Workers' Compensation Programs accepted appellant's claim for a lumbar strain. On December 2, 1998 Dr. Larry D. Canton, an osteopath, released appellant to full-duty work with no medical restrictions.

On October 19, 1999 appellant filed a claim for compensation from October 18 through 21, 1999. On January 11, 2000 appellant filed another claim for compensation from January 8 through 11, 2000.

By letter dated April 17, 2000, the Office advised appellant that the evidence received indicated the possibility that he had sustained a recurrence of disability, but was insufficient to establish disability during the claimed periods.

On August 10, 2000 appellant filed claims alleging that he sustained a recurrence of disability on October 18, 1999 and January 8, 2000 accompanied by medical evidence.

In a September 26, 2000 decision, the Office found the evidence of record insufficient to establish that appellant sustained a recurrence of disability during the claimed periods.

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.¹

In this case, appellant has not submitted rationalized medical evidence establishing that his disability during the claimed periods was causally related to his July 8, 1998 employment injury. Dr. Canton's reports failed to address whether appellant's back pain was caused by his accepted employment injury and are, therefore, insufficient to meet appellant's burden of proof.

Dr. Canton's August 8, 2000 disability certificate indicated that appellant was disabled from work during the claimed periods due to a work-related injury of lower back pain. However, the disability certificate failed to indicate a diagnosis and to discuss whether or how the diagnosed condition was caused by appellant's July 8, 1998 employment-related injury.²

Because appellant has failed to submit rationalized medical evidence establishing that he sustained a recurrence of disability on October 18, 1999 and January 8, 2000, the Board finds that appellant has not satisfied his burden of proof.

The September 26, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
July 25, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member

¹ *Louise G. Malloy*, 45 ECAB 613 (1994); *Lourdes Davila*, 45 ECAB 139 (1993); *Robert H. St. Onge*, 43 ECAB 1169 (1992).

² *Daniel Deparini*, 44 ECAB 657, 659 (1993).