

On April 24, 2002 appellant, then a 49-year-old city carrier, filed a claim for traumatic injury alleging that on April 23, 2002 she fell from a curb while loading a mail truck and scrapped her forearm and injured her right hip. Appellant stopped work on that day. X-rays of the lumbar spine taken on that day revealed a compression deformity of T-11 of uncertain age and degenerative changes in the lower thoracic and lumbar spine with disc space narrowing,

endplate spurring and sclerosis noted at all levels. Degenerative facet sclerosis was also revealed from L3-4 to L5-S1 bilaterally. Appellant's right hip x-ray revealed a mild chondral sclerosis.

On May 3, 2002 Dr. Thomas J. Montgomery, appellant's treating Board-certified orthopedic surgeon, diagnosed low back pain and a right hip contusion and released her to return to limited duty effective that day. Appellant then returned to work in a modified city carrier position.

On May 30, 2002 the Office accepted appellant's right hip contusion and right hip strain. In a report dated May 3, 2002 and received by the Office on June 10, 2002 Dr. Montgomery reported the April 23, 2002 x-ray findings diagnosing right hip contusion with sciatica. On June 5, 2002 Dr. Montgomery treated appellant with a cortisone injection and released her to return to regular duty effective June 8, 2003.

On April 23, 2003 appellant filed a claim for a recurrence of disability, alleging intermittent right buttock pain, low back stiffness and some spasms in the hip. Appellant was off work from April 16 to 22, 2003. By letter dated May 28, 2003, the Office advised appellant to submit specific information regarding her claim for a recurrence of disability including a narrative report from her physician, which would include an opinion regarding the causal relationship between her ability to work and the accepted conditions. In a report dated April 28, 2003, Dr. Montgomery stated that appellant related that she had remained symptomatic with pain after her April 2002 work-related injury and that, as a result of positive findings on examination, he requested authorization for magnetic resonance imaging scans of the low back and right hip.

By decision dated August 11, 2003, the Office denied appellant's recurrence claim because the evidence did not establish that her disability from work beginning on April 9, 2003 was causally related to her April 23, 2002 accepted injury.

LEGAL PRECEDENT

When an appellant claims a recurrence of disability due to an accepted employment-related injury, she has the burden of establishing by the weight of reliable, probative and substantial evidence that the recurrence of disability is causally related to the original injury. 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. Moreover, sound medical reasoning must support the physician's conclusion.¹

ANALYSIS

The only medical report relating to appellant's claim for a recurrence of disability is on April 28, 2003 report from Dr. Montgomery, in which he noted positive findings of tenderness in the lower back, right sacroiliac joint area and on internal rotation of the right hip. This report is not sufficient to meet appellant's burden of proof because Dr. Montgomery's report did not

¹ *Ricky S. Storms*, 52 ECAB 349 (2001).

contain a rationalized medical opinion establishing a causal relationship between appellant's current condition and the April 23, 2002 employment-related injury. Without such a rationalized medical opinion, Dr. Montgomery's report is insufficient to establish causal relationship.²

The Board has held that an award of compensation may not be based on surmise, conjecture or speculation, or upon appellant's belief that there is a causal relationship between her condition and her employment. To establish causal relationship, appellant must submit a physician's report, in which the physician reviews the factors of employment identified by appellant as causing her condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant's medical history, states whether these employment factors caused or aggravated appellant's diagnosed condition and present medical rationale in support of his or her opinion.³

CONCLUSION

Appellant failed to submit such evidence that would establish a causal relationship between her current condition and her work-related injury and, therefore, failed to discharge her burden of proof.

² *Jennifer L. Sharp*, 48 ECAB 209 (1996).

³ *Bonnie Goodman*, 50 ECAB 139 (1998).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated August 11, 2003 denying appellant's claim for a recurrence of disability is, affirmed.

Issued: February 3, 2004
Washington, DC

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member