United States Department of Labor
Employees' Compensation Appeals Board

M.D., Appellant	)	
and	)	**Docket No. 07-1677**
	)	**Issued: December 19, 2007**
U.S. POSTAL SERVICE, CARRIER ANNEX, Santa Rosa, CA, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On June 6, 2007 appellant filed a timely appeal from a March 30, 2007 decision of the Office of Workers' Compensation Programs' hearing representative affirming an August 7, 2006 decision denying his claim for a recurrence of disability. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this recurrence case.

ISSUE

The issue is whether appellant has established that he sustained a recurrence of his medical condition beginning March 2, 2006.

FACTUAL HISTORY

On December 22, 1988 appellant, then a 30-year-old letter carrier, filed a traumatic injury claim alleging that on December 21, 1988 he sustained an acute muscle strain as a result of a school bus pulling out in front of his postal vehicle.[1] The Office accepted the claim for cervical

[1] This was assigned file number 13-877377.

and lumbar strain and placed appellant on the periodic rolls for temporary total disability by letter dated August 1, 1990. Appellant returned to work with restrictions on October 21, 1991.

On November 5, 1998 appellant filed an occupational disease claim alleging that on October 20, 1998 he first realized that his thoracic and neck problems were employment related.[2] He first became aware of his condition on December 21, 1988. The Office accepted the claim for thoracic sprain. Appellant was placed on modified work effective October 26, 1998.

On April 27, 2006 appellant filed a claim for a recurrence of disability beginning March 2, 2006 due to his accepted employment injuries. On the back of the form, the employing establishment noted that appellant did not stop working.

On June 13, 2006 appellant submitted additional information in the form of an attachment to CA-2a recurrence claim form. He noted that on March 2, 2006 he "was really overcome with discomfort" after sorting and helping to pull mail and that "all the symptoms and muscle spasms were there." He related that he had sustained bilateral shoulder injuries, neck and back problems, elbow problems, foot problems and high blood pressure since the date of the original injury and the claimed recurrence date.[3]

In an April 11, 2006 duty status report (Form CA-17), a physician checked that appellant was able to work part time or "the same hours as before."[4]

By decision dated August 7, 2006, the Office denied appellant's claim for a recurrence of disability beginning March 2, 2006 due to his December 21, 1988 employment injury.[5] The Office advised appellant that he had the "option to file a new traumatic injury claim."

On August 17, 2006 appellant requested an oral hearing before an Office hearing representative, which was held on February 15, 2007. The Office received an updated April 11,

[2] This was assigned file number 14-338430. The Office combined file numbers 14-338430 and 13-877377 on August 25, 2000 with the latter claim number as the master file number. On the nonfatal summary the Office noted it had accepted a left shoulder strain under file number 14-320455 and a right thoracic syrinx and right synovitis under file number 14-328416.

[3] The record contains evidence that appellant filed 16 claims during the period May 20, 1985 through July 1, 2005.

[4] The signature of the physician on the form is illegible.

[5] In an August 4, 2006 memorandum to file, the Office stated that "it was agreed" that his CA-2a will be treated as a traumatic injury as appellant has alleged he injured his low back and neck on March 2, 2006 while pulling mail. It noted that a new claim number would be assigned and "this submitted CA-2a will not be further developed." The Board has jurisdiction to consider and decide appeals from the final decision of the Office in any case arising under the Federal Employees' Compensation Act. There shall be no appeal with respect to any interlocutory (interim or temporary) matter disposed of by the Office during the pendency of a case. 20 C.F.R. § 501.2(c). *See also Jennifer A. Guillary*, 57 ECAB ___ (Docket No. 06-208, issued March 13, 2005); *Scott R. Walsh*, 56 ECAB ___ (Docket No. 04-1962, issued February 18, 2005); *Gloria Swanson*, 43 ECAB 161 (1991). This aspect of the case is not currently before the Board.

2006 duty status report.[6] The physician indicated that the thoracic spine was the area affected and checked that appellant was capable of working part time with restrictions.

By decision dated March 30, 2007, the Office hearing representative affirmed the denial of appellant's recurrence claim.

LEGAL PRECEDENT

The Office's implementing regulations define a recurrence of disability as an inability to work after an employee has returned to work, caused by a spontaneous change in a medical condition which has resulted from a previous injury or illness without an intervening injury or new exposure to the work environment that caused the illness.[7] If the disability results from new exposure to work factors, the legal chain of causation from the accepted injury is broken and an appropriate new claim should be filed.[8]

When an employee, who is disabled from the job he held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence of record establishes that he can perform the light-duty position, the employee has the burden of establishing by the weight of the reliable, probative and substantial evidence a recurrence of total disability and show that he cannot perform such light duty. As part of his burden, the employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty job requirements.[9]

While the medical opinion of a physician supporting causal relationship does not have to reduce the cause or etiology of a disease or condition to an absolute certainty, neither can such an opinion be speculative or equivocal. The opinion of a physician supporting causal relationship must be one of reasonable medical certainty that the condition for which compensation is claimed is causally related to federal employment and that such a relationship must be supported with affirmative evidence, explained by medical rationale and be based on a complete and accurate medical and factual background of the claimant.[10] Medical conclusions unsupported by medical rationale are of diminished probative value and are insufficient to establish causal relation.

ANALYSIS

The Office accepted that appellant sustained cervical, thoracic and lumbar strains as a result of a December 21, 1988 traumatic injury claim and following an October 20, 1998

[6] The signature of the physician on the form is illegible.

[7] 20 C.F.R. § 10.5(x); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.3.b(a)(1) (May 1997). *See also Phillip L. Barnes*, 55 ECAB 426 (2004).

[8] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.3 (May 1997); *Donald T. Pippin*, 54 ECAB 631 (2003).

[9] *J.F.*, 58 ECAB ___ (Docket No. 06-186, issued October 17, 2006).

[10] *Conard Hightower*, 54 ECAB 796 (2003).

occupational disease claim. Appellant filed a claim for a recurrence of disability beginning March 2, 2006 due to his accepted employment injuries. The Board finds that he has not submitted sufficient medical evidence to establish that he was disabled from work due to residuals of his accepted strains. Appellant contends that he requires further medical treatment for his continuing employment-related condition.

The Board notes the lack of rationalized medical evidence supporting causal relationship between appellant's back condition and work factors on and after March 2, 2006. The evidence submitted by appellant consists of two duty status reports dated April 11, 2006 with illegible signatures. Both duty status reports indicated that appellant was capable of working part time. These reports do not address appellant's recurrence claim beginning March 2, 2006 and are not relevant to the issue at hand. The record is devoid of any medical evidence which addresses a worsening of the accepted conditions or explains the need for medical treatment as of March 2, 2006 due to residuals of the accepted strains. Appellant has submitted insufficient medical evidence to establish the claimed recurrence of disability commencing March 2, 2006.

The Board finds that appellant has not submitted the necessary detailed medical opinion evidence complete with objective physical findings to support a change in the nature and extent of his injury-related condition.

CONCLUSION

The Board finds that appellant has not established a recurrence of disability beginning March 2, 2006.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated March 30, 2007 is affirmed.

Issued: December 19, 2007
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board