

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of REETH J. HAYNES and DEPARTMENT OF THE ARMY,  
CHARLESTON TRANSPORTATION DEPOT, North Charleston, S.C.

*Docket No. 96-775; Submitted on the Record;  
Issued June 23, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
A. PETER KANJORSKI

The issue is whether appellant sustained a recurrence of disability causally related to the October 23, 1952 employment injury.

The Board has duly reviewed the case and finds that appellant has failed to establish that he sustained a recurrence of disability causally related to the October 23, 1952 employment injury.

The Office of Workers' Compensation Programs accepted appellant's claim for a left hand fracture and conversion disorder which he sustained on October 23, 1952. All benefits were paid and the case was closed on April 4, 1989.<sup>1</sup> On November 11, 1994, appellant filed a claim, Form CA-2a, for a recurrence of disability stating that the date and hour of the recurrence was the same as the date and hour of the October 23, 1952 employment injury. He stated that he stopped working on February 13, 1959. Appellant stated that he returned to work with his hand in a cast and was assigned to light duty. He further stated that he was put back on regular duty and his hand would hurt him when he started doing heavy work.

By letter dated February 8, 1995, the Office stated that appellant received compensation until 1981 when his injury-related disability had ceased. It informed appellant that if he returned to work and his hand started hurting because he performed heavy tasks, he should file a claim for an occupational disease on Form CA-2 but if his left hand symptoms "spontaneously recurred" after 1981, he should submit medical evidence to prove the recurrence of disability. Appellant did not submit any medical evidence.

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<sup>1</sup> This case has previously been appealed to the Board; *see Reeth J. Haynes*, Docket No. 86-410 (Issued February 21, 1986), Docket No. 84-977 (Issued June 25, 1984), 33 ECAB 1298 (1982), 18 ECAB 30 (1966) and 15 ECAB 10 (1963).

By decision dated May 15, 1995, the Office denied the claim, stating that the evidence of record failed to establish that the claimed medical condition was causally related to the October 23, 1952 employment injury.

Appellant has the burden of establishing by reliable, probative and substantial evidence that the recurrence of a disabling condition for which he seeks compensation was causally related to his employment injury.<sup>2</sup> This burden includes the necessity of 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 employment factors and supports that conclusion with sound medical reasoning.<sup>3</sup>

In the instant case, although the Office informed appellant that he must submit medical evidence to prove his claim, appellant did not submit any medical evidence. He therefore has failed to establish that he sustained a recurrence of disability causally related to October 23, 1952 employment injury.

The decision of the Office of Workers' Compensation Programs dated May 15, 1995 is hereby affirmed.

Dated, Washington, D.C.  
June 23, 1998

Michael J. Walsh  
Chairman

George E. Rivers  
Member

A. Peter Kanjorski  
Alternate Member

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<sup>2</sup> *Dominic M. DeScala*, 37 ECAB 369 (1986).

<sup>3</sup> *Louise G. Malloy*, 45 ECAB 613, 617 (1994).