

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DIANA M. ST. JULIAN and U.S. POSTAL SERVICE,
POST OFFICE, Baton Rouge, La.

*Docket No. 97-168; Submitted on the Record;
Issued October 7, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof to establish that she sustained a recurrence of disability causally related to the September 25, 1993 employment injury.

On September 25, 1993 appellant, then a 43-year-old mail carrier, filed a claim for compensation benefits alleging that on that day the bathroom stall door came back and hit her in the mouth causing her right front tooth to break. Appellant did not lose any time from work.

Dr. D. Timothy Culotta, appellant's dentist, was authorized to treat appellant by Form CA-16. He examined appellant and found that she had had a broken tooth which required bonding and may need crown and root canal therapy. He further noted that "tooth may need root canal therapy and crown if it has unfavorable reaction to trauma."

On June 24, 1994 the Office of Workers' Compensation Programs accepted appellant's claim for a broken tooth.

On May 18, 1996 appellant filed a CA-2a claim for recurrence of disability alleging that on May 12, 1996 she lost her dental filling while eating dinner. Appellant noted that a copy of her dental work was attached. Appellant's supervisor noted on the bottom of the claim form the following: "On May 13, 1996 [appellant] came to work and it was evident that the filling on her front tooth had fallen out."

Dr. Curtis H. Roy, a dentist, submitted a standard form approved by the American Dental Association indicating that he had treated appellant on May 15, 1996 and repaired tooth number eight with a porcelain crown on that date. He noted the procedure numbers and the fee totaling \$425.00 for each of the services performed.

By letter dated June 10, 1996, the Office advised appellant that she needed to submit additional information regarding her claimed recurrence of disability including a detailed

narrative medical report containing a well-rationalized medical opinion as to the relationship between her September 25, 1993 work-related injury and her present medical condition.

In a decision dated August 1, 1996, the Office denied appellant's claim for recurrence of disability on the grounds that appellant failed to submit evidence to establish that she sustained a recurrence of disability on or about May 12, 1996 that was causally related to her September 25, 1993 accepted injury.

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her recurrence of disability on or about May 12, 1996, that is, the loss of the filling in tooth number eight and her September 25, 1993 employment injury.¹ Appellant did not lose any time from work and only filed her recurrence claim to have her tooth repaired and medical expenses paid.

Appellant's treating physician submitted his medical bill using the standard "Health Insurance Claim Form" and itemized by current procedural terminology code. When Dr. Roy prepared his medical bill which appellant submitted with her recurrence claim form, he was not aware that a narrative report linking the work he performed to the accepted September 25, 1993 broken tooth injury was required. In view of the general remarks by appellant's initial dentist that "tooth may need root canal therapy and crown if it has unfavorable reaction to trauma," coupled with the actual loss of the filling in tooth number eight, the Board is persuaded that appellant has submitted sufficient evidence to make a *prime facie* showing that the dental procedures performed by Dr. Roy on May 15, 1996 is causally related to the employment tooth injury of September 25, 1993. Thus, further development of the record is warranted in the instant claim.²

On remand, the Office should prepare a statement of accepted facts detailing the history of appellant's September 25, 1993 broken tooth injury, the nature of the work performed by Dr. Culotta and his general remarks concerning future care and reaction to trauma. The Office should then request Dr. Roy to opine whether tooth number eight was in fact the same tooth involved in the employment injury and whether the work he performed is causally related to the injury.

¹ *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

² *John J. Carlone*, 41 ECAB 354 (1989).

The August 1, 1996 decision of the Office of Workers' Compensation Programs is hereby set aside and the case is remanded for further development and a *de novo* decision.

Dated, Washington, D.C.
October 7, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member