

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONALD R. OLIVER and DEPARTMENT OF THE NAVY,
NORFOLK NAVAL SHIPYARD, Norfolk, VA

*Docket No. 97-1797; Submitted on the Record;
Issued July 21, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained a recurrence of disability on or about September 25, 1996, causally related to his accepted employment injuries.

Appellant sustained employment injuries on September 12, 1971, June 3, 1979, June 29, 1980 and November 22, 1982. Accepting his claims for the conditions of lumbosacral or lumbar strain or sprain, the Office of Workers' Compensation Programs paid benefits. The record indicates that appellant worked permanent light duty until he retired on October 1, 1993.

On September 25, 1996 appellant filed a claim asserting that he sustained a recurrence of disability as a result of an accepted employment injury.¹ The Office advised appellant that treatment notes were not sufficient to support a medical connection between his claimed condition and his work-related back condition. The Office asked appellant to submit a well-reasoned medical opinion explaining how his present condition was a result of his work-related injuries.

Having received no response, the Office issued a decision on January 20, 1997 rejecting appellant's claim of recurrence.

The Board finds that appellant has not met his burden of proof to establish a recurrence of disability causally related to an accepted employment injury.

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

¹ Appellant did not specify a date of recurrence, and he indicated that the date of the original injury was November 22, 1996. The record shows that appellant filed this claim when questions arose whether medical treatment for a left shoulder condition was causally related to any of his accepted low back injuries.

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.²

Appellant has submitted a number of treatment notes, but these notes do not discuss whether appellant sustained a recurrence of disability on or about September 25, 1996, as a result of an accepted employment injury. Nor do these notes explain how appellant's left shoulder condition is causally related to an accepted employment injury. To support his claim of recurrence, appellant must submit a narrative medical opinion that explains from a medical standpoint how the specific incidents associated with his several employment injuries caused or contributed to his current left shoulder condition or his claimed recurrence of disability for work. It is not necessary that the evidence be so conclusive as to suggest causal connection beyond all possible doubt in the mind of a medical scientist. The evidence required is only that necessary to convince the adjudicator that the conclusion drawn is rational, sound and logical.³ Without such evidence, the record is insufficient to establish appellant's claim.

The January 20, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
July 21, 1999

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

² *Dennis E. Twardzik*, 34 ECAB 536 (1983); *Max Grossman*, 8 ECAB 508 (1956); 20 C.F.R. § 10.121(a).

³ *Kenneth J. Deerman*, 34 ECAB 641, 645 (1983) and cases cited therein at note 1.