U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DEBRA A. BRADSHAW and DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, Las Vegas, Nev.

*Docket No. 97-1909; Submitted on the Record;*
*Issued June 22, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant met her burden of proof in establishing that she sustained a recurrence of disability causally related to her April 29, 1987 employment injury.

The Board has duly reviewed the case record and finds that appellant failed to establish that there was any continuing disability.

On April 29, 1987 appellant, then a 29-year-old appraiser, sustained employment-related cervical and lumbosacral strains, left knee contusions and lacerations of the left chest, calf and arms in a motor vehicle accident. She stopped work that day, received appropriate continuation of pay and compensation, returned to half-day work on August 13, 1987, resuming full duty on November 25, 1987. She continued to receive compensation for intermittent periods when she did not work and served with the military in Saudi Arabia during the Desert Storm campaign for the period August 1991 to August 1992. She then returned to full duty and is now a loan specialist. On May 12, 1993 she filed a recurrence claim for intermittent periods when she did not work. By decision dated November 23, 1993, the Office of Workers' Compensation Programs denied the claim on the grounds that the medical evidence failed to establish that her condition was employment related. On September 12, 1996 she again filed a recurrence claim, stating that she continued to suffer residuals of the April 29, 1987 injury and submitted additional evidence. By letters dated November 25 and December 30, 1996, the Office informed appellant of the type evidence needed to support her claim.[1] By decision dated April 23, 1997, the Office denied the claim, finding that appellant failed to submit medical evidence to establish that her condition was employment related. The instant appeal follows.

An individual who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and

[1] While the record indicates that these letters were sent to different addresses, copies were then faxed to appellant by the Office and she indicated that she had received them.

probative evidence that the recurrence of the disabling condition for which compensation is sought is causally related to the accepted employment injury.[2] 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 and supports that conclusion with sound medical reasoning.[3] The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two nor the belief of appellant that the disease was caused or aggravated by employment conditions is sufficient to establish causal relationship.

Causal relationship is a medical issue[4] and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.[5]

The medical evidence submitted by appellant in support of her recurrence claim consists of a January 9, 1996 magnetic resonance imaging of the cervical spine that demonstrated a disc protrusion at C4-5 without evidence of spinal stenosis and minimal narrowing of the C4-5 right neural foramen. She also submitted an application for leave form dated May 6, 1996 which contains a notation by a physician whose signature is illegible stating that appellant had been referred to a neurologist.[6] The medical evidence is thus insufficient to establish that appellant sustained a recurrence of disability as it is devoid of an opinion regarding the cause of her current condition. Appellant, therefore, failed to establish that she sustained any continuing disability causally related to her April 29, 1987 employment injury.

[2] *Kevin J. McGrath*, 42 ECAB 109 (1990); *John E. Blount*, 30 ECAB 1374 (1974).

[3] *Frances B. Evans*, 32 ECAB 60 (1980).

[4] *Mary J. Briggs*, 37 ECAB 578 (1986).

[5] *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

[6] Appellant also submitted a number of "certifications of visits." These, however, do not constitute medical opinions as they were not rendered by a physician as defined under the Act; *see* 20 C.F.R. § 8101(2). The most recent report from a physician is an August 3, 1990 Office Form CA-20, attending physician's report, in which Dr. Phillip E. Getscher, appellant's treating orthopedic surgeon, noted findings on examination and advised that she was having difficulty doing her regular development and should be rated for disability.

The decision of the Office of Workers' Compensation Programs dated April 23, 1997 is hereby affirmed.

Dated, Washington, D.C.
June 22, 1999

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member