

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of KAREN L. COMER and U.S. POSTAL SERVICE,  
POST OFFICE, Deep Water, WV

*Docket No. 98-582; Submitted on the Record;  
Issued October 13, 1999*

---

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof to establish that she sustained a recurrence of disability on January 6, 1997 causally related to her August 22, 1996 accepted employment injury.

The Board has duly reviewed the case record on appeal and finds that appellant has not established that she sustained a recurrence of disability on January 6, 1997 causally related to her August 22, 1996 employment injury.

Where appellant claims a recurrence of disability due to an accepted employment-related injury, she has the burden of establishing by the weight of the substantial, reliable and probative evidence that the subsequent disability for which she claims compensation is causally related to the accepted injury.<sup>1</sup> 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.<sup>2</sup>

In the instant case, the Office of Workers' Compensation Programs accepted that on August 22, 1996 appellant, then a 39-year-old postmaster, sustained a contusion to the head, left ankle sprain, back strain with nerve root disorder, and a contusion to the tailbone, when she fell off a ladder while in the performance of her employment duties. Appellant stopped work on August 23, 1996 and returned to regular duty on October 3, 1996. In a claim filed on March 12, 1997 appellant alleged that she sustained a recurrence of disability on January 6, 1997 causally related to her August 22, 1996 employment injury. Appellant stopped work following the alleged recurrence of disability on March 11, 1997 and has not returned. On her claim form

---

<sup>1</sup> *Alfredo Rodriguez*, 47 ECAB 437 (1996).

<sup>2</sup> *Id.*

appellant stated that since January 6, 1997 she had used approximately 135 hours of sick and annual leave due to her back pain.

By decision dated June 3, 1997, the Office denied appellant's claim for a recurrence of disability on the grounds that the evidence did not establish a causal relationship between her accepted injury and the claimed condition or disability. By letter received by the Office on June 13, 1997, appellant requested reconsideration and submitted additional medical evidence. By decision dated September 8, 1997, the Office reviewed appellant's claim on its merits and found the additional evidence submitted insufficient to warrant modification of the prior decision.

In support of her claim for a recurrence of disability, appellant submitted progress notes, disability slips and several Form CA-17 reports from her treating physician, Dr. Saghir R. Mir, a Board-certified orthopedic surgeon. The earliest relevant treatment note, dated March 21, 1997, indicates that appellant had not been seen by Dr. Mir since October 3, 1996. While some of these reports describe appellant's back pain as "recurrent," and further specify periods of disability beginning March 11, 1997, they do not discuss the relationship, if any between the diagnosed conditions and appellant's 1996 accepted employment injury, and, therefore, are of little probative value. Appellant also submitted two narrative reports from her physicians. In his initial narrative report dated March 21, 1997, Dr. Mir stated that appellant had experienced "recurrent pain in her lower back" and had missed intermittent periods of work since January 1997. He added that on March 11, 1997 appellant's pain increased causing her to seek medical treatment. Dr. Mir diagnosed lumbosacral strain, degenerative disc disease and lumbar root syndrome and discussed his treatment plan, but did not offer a rationalized opinion as to whether the diagnosed conditions are causally related to appellant's accepted 1996 injury. In his most recent narrative report dated May 15, 1997, Dr. Mir notes that appellant continued to experience back pain and enters his diagnosis as lumbosacral strain superimposed on degenerative discs. However, Dr. Mir does not explain, with reference to the specific facts of the case, the relationship, if any, between appellant's current back condition and her 1996 accepted employment injury. Medical reports not containing rationale on causal relationship are entitled to little probative value and are insufficient to meet appellant's burden of proof.<sup>3</sup> Medical rationale is particularly important in cases such as the instant one, where treatment notes from the date of appellant's 1996 employment injury indicate that appellant has a history of back trouble dating back to a December 1995 automobile accident.

Appellant further submitted a narrative report from Dr. C.Y. Amores, a Board-certified neurological surgeon, to whom she had been referred by Dr. Mir. While Dr. Amores noted that appellant's back pain reportedly began with her employment-related August 22, 1996 injury, he did not fully explain, with appropriate medical rationale, the relationship between appellant's diagnosed conditions and her 1996 employment injury. This is especially important in light of the fact that he specifically noted that appellant had had "a similar problem in 1988." Consequently, Dr. Amores' report is of little probative value on the issue in this claim.

---

<sup>3</sup> *Arlonia B. Taylor*, 44 ECAB 591 (1993)

An award of compensation may not be based on surmise, conjecture, speculation or upon appellant's own belief that there is causal relationship between the claimed condition and the employment.<sup>4</sup> To establish causal relationship, appellant must submit a physician's report in which the physician reviews the employment factors identified by appellant as causing her condition and, taking these factors into consideration together with the findings upon physical examination and appellant's medical history, states whether the employment injury caused or aggravated appellant's diagnosed conditions and present medical rationale in support of his or her opinion. By letter dated April 16, 1997, the Office advised appellant of the type of evidence necessary to establish her claim. Appellant failed to submit such evidence in this case and, therefore, has failed to discharge her burden of proof.

The decisions of the Office of Workers' Compensation Programs dated September 8 and June 3, 1997 are hereby affirmed.

Dated, Washington, D.C.  
October 13, 1999

Michael J. Walsh  
Chairman

David S. Gerson  
Member

A. Peter Kanjorski  
Alternate Member

---

<sup>4</sup> *Donald W. Long*, 41 ECAB 142 (1989).