

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM SPEARS and U.S. POSTAL SERVICE,
BULK MAIL CENTER, Hazelwood, MO

*Docket No. 98-2419; Submitted on the Record;
Issued April 10, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant has established that he sustained a recurrence of disability causally related to his November 22, 1986 work-related injury.

On November 22, 1986 appellant, then a 31-year-old parcel machine operator, filed a claim for traumatic injury alleging that on that day he injured his right side back and neck area while in the performance of duty.¹

On January 20, 1987 the Office of Workers' Compensation Programs accepted appellant's claim for muscle strain, right back.

On March 22, 1998 appellant filed a claim for recurrence of disability alleging that he had remained symptomatic since his initial November 22, 1986 work-related injury.

By letter dated April 24, 1998, the Office advised appellant that he needed to submit additional information regarding his claim for recurrence of disability compensation, including a detailed narrative medical report explaining how he believed that appellant's current medical condition was causally related to his work-related injury.

By decision dated June 10, 1998, the Office denied appellant's claim.

On July 8, 1998 appellant requested reconsideration. In support of his request, he submitted multiple medical reports. Appellant also on that day filed a claim for recurrence of disability alleging that he sustained a recurrence of disability on June 3, 1988 and that he had stopped work on July 1994. He noted that he was no longer a postal employee.

¹ Appellant is no longer employed by the employing establishment.

By decision dated July 21, 1998, the Office denied appellant's request for reconsideration on the grounds that the medical evidence was insufficient to establish that appellant's current complaints were causally related to his November 22, 1986 work-related injury.

The Board has duly reviewed the case record and concludes that appellant has not met his burden of proof to establish that he sustained a recurrence of disability.

An employee 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 probative evidence that the disability for which she claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish 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 the employment injury and supports that conclusion with sound medical reasoning.²

Appellant submitted a claim form alleging a work-related injury on August 15, 1991 when he fell down a flight of stairs. However, this incident is not relevant to his November 22, 1986 work-related injury and is of no probative value. In medical reports dated August 22 and 26, 1991, September 6, 1991 and November 19 and December 4, 1992, Dr. Michael J. Spezia, appellant's treating osteopath, stated that appellant had cervical and thoracic somatic dysfunction. However, he did not include a rationalized medical opinion establishing a causal relationship between appellant's diagnosed condition and his work-related injury. Further, appellant submitted medical reports dated May 11, 18 and 25, 1993 relating appellant's knee injury. These reports are not relevant to his work-related injury and are of no probative value. Appellant also submitted magnetic resonance imaging (MRI) scans taken on August 7, 1996 and March 20 and April 10, 1997. The MRI scans revealed degenerative arthritis, degenerative disc disease of the cervical spine, cervical kyphosis and spondylosis, small focal disc bulging, slight to moderate femoral stenosis, and loss of cervical lordosis. None of the reports establish a causal relationship between appellant's work-related injury of November 22, 1986 and the results of the diagnostic tests. Appellant's degenerative disc disease and related spinal conditions are part of the natural degenerative process and are unrelated to appellant's work-related injury.

As appellant has not submitted any rationalized medical evidence which substantiates that his medical condition is causally related to his November 22, 1986 work-related injury, appellant has not met his burden of proof.

² *Lourdes Davila*, 45 ECAB 139 (1993).

The decisions of the Office of Workers' Compensation Programs dated July 21 and June 10, 1998 are affirmed.

Dated, Washington, D.C.
April 10, 2000

George E. Rivers
Member

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member