

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MANMOHAN MADAN and U.S. POSTAL SERVICE,
RESTON BRANCH POST OFFICE, Reston, VA

*Docket No. 00-948; Submitted on the Record;
Issued March 5, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability beginning December 16, 1996 causally related to her April 6, 1993 employment injury.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to meet her burden of proof to establish that she sustained a recurrence of disability.

On April 13, 1993 appellant, then a 57-year-old mail distribution clerk, filed a traumatic injury claim, alleging that on April 6, 1993 she experienced low back pain while in the performance of duty.

The Office of Workers' Compensation Programs accepted appellant's claim for aggravation of degenerative disc disease.

On November 2, 1998 appellant filed a claim alleging that she sustained a recurrence of disability on December 16, 1996.

By letter dated April 22, 1999, the Office advised appellant that the evidence submitted was insufficient to establish her claim. The Office asked appellant to submit additional factual and medical evidence supportive of her claim.

By decision dated June 23, 1999, the Office found the evidence of record insufficient to establish that appellant sustained a recurrence of disability beginning December 16, 1996 causally related to her April 6, 1993 employment injury.

An employee returning to light duty or whose medical evidence shows the ability to perform limited or light duty has the burden of proof to establish a recurrence of temporary total disability by the weight of substantial, reliable and probative evidence, and to show that he or she

cannot perform the light duty.¹ As part of her burden, the employee must show a change in the nature and extent of the injury-related conditions or a change in the nature and extent of the light-duty requirements.²

In this case, appellant has shown no change in the nature and extent of her injury-related condition or of the limited-duty requirements. The record shows that following the April 6, 1993 aggravation of degenerative disc disease appellant returned to limited-duty work in the position of modified distribution clerk at the employing establishment in March 1996.³ The Board finds that appellant has not submitted sufficient medical evidence establishing that the accepted condition has materially changed or worsened since her return to work in 1996.

The only evidence submitted by appellant in support of her recurrence of disability claim consisted of two medical reports from Dr. William A. Hanff, a Board-certified orthopedic surgeon and appellant's treating physician. In his December 18, 1996 report, Dr. Hanff provided a history of appellant's nonemployment-related automobile accident, which occurred on or about December 2, 1996. He noted his findings on physical and objective examination regarding appellant's back condition. He diagnosed acute cervical and lumbosacral spine strain with underlying degenerative arthritis in the cervical and lumbosacral spine. In his December 26, 1996 medical report, Dr. Hanff indicated that appellant was unable to perform her regular duties without restrictions.

Dr. Hanff's reports failed to include a history of appellant's April 6, 1993 employment injury or to address whether appellant had any disability causally related to her accepted employment injury. Inasmuch as appellant has failed to submit rationalized medical evidence establishing that she sustained a recurrence of disability beginning December 16, 1996 causally related to her April 6, 1993 employment injury, she has failed to satisfy her burden of proof.

¹ *Terry R. Hedman*, 38 ECAB 222, 227 (1986).

² *Daniel Deparini*, 44 ECAB 657, 659 (1993).

³ The record reveals that on July 8, 1997 appellant accepted a permanent modified position of distribution clerk.

The June 23, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
March 5, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member