

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ROBERT W. NORMAN and U.S. POSTAL SERVICE,  
POST OFFICE, New Augusta, IN

*Docket No. 02-48; Submitted on the Record;  
Issued September 24, 2002*

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DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant sustained a recurrence of disability on June 20, 2000 causally related to his June 15, 2000 employment injury.

The Board has reviewed the case record and finds that this case is not in posture for a decision.

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 probative evidence that the disability for which compensation is claimed is causally related to the accepted injury.<sup>1</sup> This burden includes the necessity of furnishing 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 rationale.<sup>2</sup>

On June 15, 2000 appellant, then a 44-year-old letter carrier, alleged that he sustained a wrist injury on that date when he fell from a mail truck. The Office of Workers' Compensation Programs accepted a bilateral wrist strain. He returned to work on June 15, 2000 in a light-duty capacity and was released to return to full duty on June 19, 2000. Appellant stopped work on June 24, 2000 and was on a fishing vacation from June 26 to July 4, 2000.

On July 5, 2000 appellant filed a claim for a recurrence of disability on June 20, 2000. He stated that he was experiencing pain and numbness in his right arm and shoulder and attributed his condition to his June 15, 2000 employment injury.

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<sup>1</sup> See *Charles H. Tomaszewski*, 39 ECAB 461, 467 (1988).

<sup>2</sup> See *Mary S. Brock*, 40 ECAB 461, 471 (1989); *Nicolea Brusco*, 33 ECAB 1138, 1140 (1982).

By decision dated September 7, 2000, the Office denied appellant's claim for a recurrence of disability on June 20, 2000 on the grounds that the medical evidence of record did not establish that he sustained any medical condition or disability causally related to his June 15, 2000 employment injury.

By letter dated June 25, 2001, appellant requested reconsideration.

By decision dated June 29, 2001, the Office denied modification of its September 7, 2000 decision.

In a form report dated June 15, 2000, a physician diagnosed a bilateral wrist strain.

An unsigned disability certificate dated June 19, 2000 indicated that appellant sustained a bilateral wrist strain.

In a narrative report dated July 5, 2000, Dr. Ronald S. Miller, appellant's attending orthopedic surgeon, stated that appellant fell from his mail truck approximately two weeks previously and had swelling in both wrists which resolved spontaneously after two days. Dr. Miller stated that appellant also had stiffness in his shoulder and the right side of his neck which had worsened over the past two weeks. He provided findings on examination and diagnosed right cervical radiculopathy, most likely in the C7 area, a probable herniated disc and a bilateral wrist sprain.

In reports dated July 12 and August 2, 2000, Dr. Miller provided findings on examination and noted that a magnetic resonance imaging (MRI) scan revealed a small left lateral C5-6 disc extrusion with spondylotic changes but no evidence of right-sided disc herniation or neural foraminal stenosis. He diagnosed a C5-6 disc extrusion, cervical strain injury, resolving right cervical radiculopathy and bilateral wrist sprain.

In a report dated August 4, 2000, Dr. Miller stated that appellant had a history of a cervical strain injury and bilateral wrist sprains sustained in a fall in June 2000 and continued to have numbness in his right arm and neck pain. He indicated that an electromyogram (EMG) and nerve conduction study revealed right carpal tunnel syndrome and stated:

"Given the trauma to his wrist at the time of his fall, this could certainly be a traumatic type picture of carpal tunnel syndrome. [Appellant] denies having had any significant symptoms prior to his fall. Therefore, I believe that the carpal tunnel syndrome is work related."

In a report dated August 30, 2000, Dr. Miller stated that appellant had undergone an EMG and nerve conduction study of his right arm which revealed evidence of carpal tunnel syndrome. He stated, "This is thought to be secondary to his fall from his mail truck in June 2000." Dr. Miller noted that appellant stated that he had no arm pain or neck pain prior to his June 15, 2000 employment injury. He provided findings on examination and diagnosed C5-6 disc herniation, a cervical strain injury, bilateral wrist sprain and right median nerve entrapment/right median neuropathy at the wrist and stated, "[a]gain, I feel that his injuries are all consistent with his accident that occurred in June 2000."

Although Dr. Miller failed to provide sufficient medical rationale in support of his opinion that appellant's condition was causally related to his June 15, 2000 employment injury, his reports constitute substantial evidence in support of appellant's claim sufficient to require further development of the claim.<sup>3</sup>

The decision of the Office of Workers' Compensation Programs dated June 29, 2001 is set aside and the case is remanded for further action consistent with this decision.

Dated, Washington, DC  
September 24, 2002

Willie T.C. Thomas  
Alternate Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>3</sup> See *John J. Carlone*, 41 ECAB 354 (1989); *Horace Langhorne*, 29 ECAB 820 (1978).