



with her right hand and thumb due to repetitive computer keyboarding. The Office accepted appellant's claim for right de Quervain's tenosynovitis.<sup>1</sup>

A medical billing statement for treatment on March 30, 2005, signed by a Dr. Carol Hubbard, contains a diagnosis of de Quervain's synovitis.

On April 3, 2005 appellant filed a claim for a recurrence of disability on March 5, 2005. She alleged that she experienced pain in her right thumb and right wrist, radiating to the shoulder beginning March 5, 2005.

By letter dated October 13, 2005, the Office asked appellant to provide additional evidence in support of her recurrence claim, including a rationalized medical opinion explaining how her claimed recurrence of disability on March 5, 2005 was causally related to her February 9, 2000 employment injury.

By decision dated December 22, 2005, the Office denied appellant's claim on the grounds that the medical evidence did not establish that she sustained a recurrence of disability on March 5, 2005 causally related to her February 9, 2000 employment-related de Quervain's tenosynovitis.

### **LEGAL PRECEDENT**

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>2</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>3</sup>

“*Recurrence of disability*” means an inability to work after an employee has returned to work, caused by a spontaneous change in a medical condition which had resulted from a previous injury or illness without an intervening injury or new exposure to the work environment that caused the illness.”<sup>4</sup>

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that claimant's claimed condition became apparent during a period of

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<sup>1</sup> De Quervain's disease is a painful type of tenosynovitis (inflammation of a tendon sheath) due to the relative narrowness of the common tendon sheath of the abductor pollicis longus and extensor pollicis brevis muscles. DORLAND'S *Illustrated Medical Dictionary* (27<sup>th</sup> ed. 1988), 484.

<sup>2</sup> *Charles H. Tomaszewski*, 39 ECAB 461 (1988).

<sup>3</sup> *Lourdes Davila*, 45 ECAB 139 (1993).

<sup>4</sup> 20 C.F.R. § 10.5(x).

employment nor her belief that her condition was aggravated by her employment is sufficient to establish causal relationship.<sup>5</sup>

### **ANALYSIS**

The Office accepted appellant's claim for right de Quervain's tenosynovitis beginning February 9, 2000. Appellant filed a claim for a recurrence of disability on March 5, 2005, which was denied by the Office.

The Board finds that appellant failed to provide probative medical evidence establishing that she sustained a recurrence of disability on March 5, 2005 causally related to her February 9, 2000 employment-related de Quervain's tenosynovitis. The billing statement for service on March 30, 2005 contains a diagnosis of de Quervain's synovitis and is signed by a Dr. Hubbard but does not explain the cause of the condition for which treatment was provided. There is no medical report of record explaining, with medical rationale, how the diagnosis in 2005 is causally related to the February 9, 2000 employment injury. Such medical evidence is particularly important in light of the five years between the February 9, 2000 employment injury and the alleged recurrence on March 5, 2005. Appellant failed to provide rationalized medical evidence establishing that her claimed recurrence of disability on March 5, 2005 was causally related to her February 9, 2000 employment injury. Therefore, she did not discharge her burden of proof and the Office properly denied her recurrence claim.

### **CONCLUSION**

The Board finds that appellant failed to establish that she sustained a recurrence of disability on March 5, 2005 causally related to her February 9, 2000 employment injury.

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<sup>5</sup> *Walter D. Morehead*, 31 ECAB 188 (1979).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated December 22, 2005 is affirmed.

Issued: May 16, 2006  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board