

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARY A. ROBINSON and U.S. POSTAL SERVICE,
POST OFFICE, Kansas City, Mo.

*Docket No. 97-319; Submitted on the Record;
Issued April 10, 1998*

DECISION and ORDER

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

The issue is whether appellant met her burden of proof in establishing that she sustained a recurrence of disability on June 27, 1996.

The Board has duly reviewed the case record and concludes that appellant did not establish that she sustained a recurrence of disability.

When an employee, who is disabled from the job he or she held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence of record establishes that he or she can perform the light-duty position, the employee has the burden to establish by the weight of the reliable, probative and substantial evidence a recurrence of total disability and show that he or she cannot perform such light duty. As part of this burden, the employee must show either a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty requirements.¹

An award of compensation may not be based on surmise, conjecture, speculation, or upon appellant's own belief that there is a causal relationship between his or her claimed condition and employment.² Causal relationship is a medical issue,³ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty,

¹ *Gus N. Rodes*, 46 ECAB 518 (1995); *Cynthia M. Judd*, 42 ECAB 246 (1990); *Terry R. Hedman*, 38 ECAB 222 (1986).

² *Donald W. Long*, 41 ECAB 142 (1989).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴ Moreover, neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁵

The facts in this case indicate that on February 10, 1995 appellant, then a 29-year-old parcel post distributor, filed an occupational disease claim, alleging that keying at work caused bilateral overuse syndrome of the hands. She did not stop work. After developing the factual evidence, the Office of Workers' Compensation Programs accepted the claim for bilateral wrist tendinitis, resolved on March 23, 1995. On March 23, 1995 she was returned to regular duty for four hours and limited duty for four hours. On July 8, 1996 appellant filed a recurrence claim, alleging that she experienced tingling, pain and numbness in the hands, arms, shoulders and neck after working for several hours. Her supervisor indicated that, following the initial injury, appellant rotated between her normal job and light duty at two hour intervals.

By letter dated August 1, 1996, the Office informed appellant of the type evidence needed to support her claim. This was to include a comprehensive narrative report from her physician indicating, *inter alia*, the cause of her current condition and its relationship to specific factors of employment.

By decision dated September 11, 1996, the Office denied the claim on the grounds that the evidence of record failed to establish that the claimed recurrence was causally related to the prior employment injury. In the attached memorandum, the Office noted that appellant had been advised of the evidence necessary to establish the claim but had failed to submit any medical evidence in support thereof.

The Board finds that, as appellant failed to submit any medical evidence in support of the recurrence claim, she failed to establish the requisite causal relationship between her current condition and her prior employment injury,⁶ and the Office properly denied her recurrence claim.⁷

⁴ Gary L. Fowler, 45 ECAB 365 (1994); Victor J. Woodhams, 41 ECAB 345 (1989).

⁵ Minnie L. Bryson, 44 ECAB 713 (1993); Froilan Negron Marrero, 33 ECAB 796 (182).

⁶ See Mary J. Briggs, *supra* note 3.

⁷ The Board notes that the record contains a schedule award claim. This is not before the Board as the Office has not issued a merit decision on this claim. Additionally, appellant submitted evidence to the Office subsequent to the Office's September 11, 1996 decision. The Board cannot consider this evidence as the Board's review of the case is limited to the evidence of record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

The decision of the Office of Workers' Compensation Programs dated September 11, 1996 is hereby affirmed.

Dated, Washington, D.C.
April 10, 1998

George E. Rivers
Member

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member