

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ROSIE M. RILEY and U.S. POSTAL SERVICE,  
POST OFFICE, Chicago, Ill.

*Docket No. 96-1630; Submitted on the Record;  
Issued August 14, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that she sustained a recurrence of disability on June 19, 1995 causally related to her accepted employment injury.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet her burden of proof in establishing that she sustained a recurrence of disability on June 19, 1995 causally related to her accepted employment injury.

This case has previously been on appeal before the Board. In its February 7, 1995 decision, the Board found that appellant had not met her burden of proof in establishing that she developed fibrositis due to her federal employment and that the Office of Workers' Compensation Programs did not abuse its discretion in refusing to reopen appellant's claim for consideration of the merits on December 7, 1992.<sup>1</sup> The facts and circumstances of the case as set out in the Board's previous decision are adopted herein by reference.<sup>2</sup>

On June 19, 1995 appellant filed a notice of recurrence of disability. By decision dated February 2, 1996, the Office denied appellant's claim finding that she failed to establish a causal relationship between her diagnosed condition and accepted employment injuries.

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<sup>1</sup> Docket No.93-1178.

<sup>2</sup> The Office accepted appellant's claim for cervical and lumbosacral strain with superficial abrasion of the left knee. By decision dated October 31, 1991, the Office denied appellant's claim for disability after March 10, 1987 on the grounds that the weight of the medical evidence failed to establish that appellant had any disability after that date causally related to her February 28, 1987 employment injury.

Appellant has the burden of establishing by the weight of the substantial, reliable, and probative evidence, a causal relationship between her recurrence of disability commencing on or after June 19, 1995 and her February 28, 1987 employment injury.<sup>3</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 employment factors and supports that conclusion with sound medical reasoning.<sup>4</sup>

Appellant submitted a factual statement alleging she had not stopped hurting since her accepted employment injury and that this was a claim for a continuing condition rather than a recurrence of disability.

In support of her claim, appellant submitted a report dated July 7, 1995 from Dr. Carey B. Dachman, a Board-certified internist, noting appellant's history of injury and diagnosing traumatic-induced fibrositis and back arthritis related to the work accident of February 28, 1987. Dr. Dachman stated, "In any case, her current pain is related to her fall of February 28, 1987 and that, without this fall, there is no way to presume that she would be in this clinical state of affairs as she presents today." In a note dated July 7, 1995, Dr. Dachman noted appellant's history of injury and diagnosed fibrositis and sacroilitis related to this fall.

These reports are not sufficient to meet appellant's burden of proof as Dr. Dachman did not provide any medical rationale in support of her opinion regarding the causal relationship between appellant's current condition and her accepted employment injuries. She did not describe the injuries that appellant sustained on February 28, 1987 and did not offer any medical reasoning explaining how these injuries could result in fibrositis and back arthritis.

In a report dated August 10, 1995 Dr. Alan G. Shepard, a Board-certified neurologist, noted appellant's history of injury and stated that his examination was essentially normal and that he was unable to determine if there was any reinjury of the initial condition. This report is not sufficient to meet appellant's burden of proof as Dr. Shepard did not offer an opinion on the causal relationship between appellant's current conditions and her accepted employment injuries.

Appellant also submitted physical therapy notes in support of her claim. As a physical therapist is not a physician for the purposes of the Federal Employees' Compensation Act, these notes do not constitute medical evidence and are insufficient to meet appellant's burden of proof.<sup>5</sup>

Appellant also submitted several progress notes and medical records which did not provide a detailed history of injury or an opinion on causal relationship between appellant's current condition and her accepted employment injuries and are, therefore, insufficient to meet her burden of proof.

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<sup>3</sup> *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

<sup>4</sup> *See Nicolea Brusco*, 33 ECAB 1138, 1140 (1982).

<sup>5</sup> *Jane A. White*, 34 ECAB 515 (1983).

As appellant failed to submitted rationalized medical opinion evidence establishing a causal relationship between her current condition and her accepted employment injury, she failed to meet her burden of proof and the Office properly denied her claim.

The decision of the Office of Workers' Compensation Programs dated February 2, 1996 is hereby affirmed.

Dated, Washington, D.C.  
August 14, 1998

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Alternate Member

Bradley T. Knott  
Alternate Member