

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of PATRICIA A. EWINGS and U.S. POSTAL SERVICE,  
POST OFFICE, Washington, D.C.

*Docket No. 95-365; Submitted on the Record;  
Issued January 6, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
MICHAEL E. GROOM

The issue is whether appellant has established that she sustained a recurrence of disability beginning February 25, 1992 causally related to her August 11, 1989 employment injury.

On August 14, 1989 appellant, then a 43-year-old mail clerk, filed a traumatic injury claim alleging that on August 11, 1989 she injured her back and neck lifting trays of mail. The Office of Workers' Compensation Programs accepted appellant's claim for cervical strain and left shoulder strain and accepted that the injury caused a recurrence of disability on March 9, 1990. The Office paid appellant compensation for intermittent wage-loss disability until October 11, 1991.

On March 20, 1992 appellant filed claims for continuing compensation on account of disability (Form CA-8) requesting compensation from February 25 until March 20, 1992.

By decision dated June 1, 1992, the Office denied appellant's claim on the grounds that the evidence did not establish a causal relationship between the injury and the claimed condition or disability. Appellant requested a hearing before an Office hearing representative. The hearing representative, in a decision dated May 16, 1994, affirmed the Office's June 1, 1992 decision.

The Board has duly reviewed the case record and finds that appellant has not established that she sustained a recurrence of disability beginning February 25, 1992 causally related to her August 11, 1989 employment injury.

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 establishes that the employee 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 to show that he or she cannot perform such light duty. As part of this burden, the

employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty job requirements.<sup>1</sup>

In the present case, appellant sustained a cervical strain and left shoulder strain due to an injury on August 11, 1989, and sustained a recurrence of disability on March 9, 1990, following which she worked in a limited-duty capacity. There is no evidence in the record establishing any change in the nature and extent of appellant's light-duty position as a cause of her claimed disability after February 25, 1992.

Appellant has not submitted sufficient medical evidence to establish that she sustained a recurrence of disability on February 25, 1992 causally related to her August 11, 1989 employment injury. Appellant submitted reports dated May 3, 1993 from Dr. Rida N. Azer, a Board-certified orthopedic surgeon and her attending physician. Dr. Azer noted appellant's complaints of left shoulder, neck and back pain since her August 11, 1989 employment injury and related findings on physical examination. Dr. Azer diagnosed supraspinatus tendinitis of the left shoulder with impingement syndrome, resistant cervical strain, and resistant lumbar strain. Dr. Azer further noted that she needed to rule out cervical disc syndrome and lumbar disc syndrome. Dr. Azer recommended a magnetic imaging resonance (MRI) study. In an accompanying form report of the same date, Dr. Azer checked "yes" that the diagnosed conditions were due to the history of injury described by appellant. However, the opinion of a physician on causal relation which consists only of checking "yes" to the form's question of whether appellant's condition was related to the history of injury as given, without any explanation or rationale, has little probative value and is insufficient to establish causal relation.<sup>2</sup>

Appellant also submitted numerous form reports from Dr. Willie J. Banks, an orthopedic surgeon and Dr. Azer. However, none of the reports contain a rationalized opinion relating a diagnosed condition to appellant's August 11, 1989 employment injury. As discussed above, a physician's checkmark indicating causation, without further explanation, is insufficient to meet appellant's burden of proof.<sup>3</sup> The opinion of a physician supporting causal relation must be one of reasonable medical certainty, supported with affirmative evidence, explained by medical rationale and based on a complete and accurate medical and factual background.<sup>4</sup>

As appellant failed to submit rationalized medical evidence establishing that her claimed recurrence of disability is causally related to her accepted employment injury, the Office properly denied her claim for compensation.

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<sup>1</sup> *Terry R. Hedman*, 38 ECAB 222 (1986).

<sup>2</sup> *Robert J. Krstyen*, 44 ECAB 227 (1992).

<sup>3</sup> *Id.*

<sup>4</sup> *Connie Johns*, 44 ECAB 560 (1993).

The decision of the Office of Workers' Compensation Programs dated May 16, 1994 is hereby affirmed.

Dated, Washington, D.C.  
January 6, 1998

Michael J. Walsh  
Chairman

George E. Rivers  
Member

Michael E. Groom  
Alternate Member