

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JUDY A. ROBINSON and U.S. POSTAL SERVICE,
PALATINE POST OFFICE, Palatine, Ill.

*Docket No. 96-1759; Submitted on the Record;
Issued July 16, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant has met her burden of proof in establishing that she had a recurrence of disability after September 27, 1994 causally related to her June 27, 1994 employment injury.

In this case appellant, then a 30-year-old mail processor, fell to the floor on June 27, 1994 when the chair she was sitting in collapsed. She returned to work on July 22, 1994. The Office of Workers' Compensation Programs accepted appellant's claim for contusion to the back. On October 14, 1994 appellant filed a claim for a recurrence of disability effective September 27, 1994. In a March 27, 1995 decision, the Office rejected appellant's claim on the grounds that the evidence of record failed to demonstrate a causal relationship between the employment injury and the claimed disability. In a February 9, 1996 decision, an Office hearing representative affirmed the Office's decision.

The Board finds that appellant has not met her burden of proof in establishing that she had a recurrence of disability causally related to her June 27, 1994 employment injury.

Appellant has the burden of establishing by reliable, probative and substantial evidence that the recurrence of a disabling condition for which he seeks compensation was causally related to his employment injury. As part of such burden of proof, rationalized medical evidence showing causal relationship must be submitted.¹

Appellant submitted short medical leave slips for restricted duty due to back pain. These slips, however, did not indicate that appellant had a condition causally related to a prior injury. In a January 27, 1995, report, Dr. H.M. Regen, a chiropractor, stated that x-rays showed appellant had subluxations of T4, T7, T8, L4 and L5. He concluded that appellant had acute thoracic strain/sprain, acute lumbosacral strain/sprain, lumbosacral radiculitis, post-traumatic

¹ *Dominic M. DeScala*, 37 ECAB 369 (1986).

cephalgia, acute cervical strain/sprain, carpal tunnel syndrome of the right wrist and cervical brachial syndrome. He related all this conditions to the June 27, 1994 employment injury. He noted that appellant had work restrictions from August 16 through December 15, 1994 due to periodic aggravations of these symptoms. Dr. Regen's report, however, has limited probative value. The medical role of a chiropractor extends only to the diagnosis of subluxations of the spine as shown by x-ray to exist.² Dr. Regen diagnosed subluxations but did not relate the subluxations to the employment injury. Dr. Regen also gave no rationale in support of his opinion that these conditions were caused by the employment injury and were subsequently aggravated by appellant's work. His report therefore has little probative medical value.

The decision of the Office of Workers' Compensation Programs, dated February 9, 1996, is hereby affirmed.

Dated, Washington, D.C.
July 16, 1998

Michael J. Walsh
Chairman

David S. Gerson
Member

Michael E. Groom
Alternate Member

² 5 U.S.C. § 8101(2).