U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES GRASSI, Jr. and DEPARTMENT OF VETERANS AFFAIRS, VA MEDICAL CENTER, Cleveland, Ohio

Docket No. 96-1612; Submitted on the Record;
Issued June 10, 1998

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant established that his recurrence of disability was causally related to his initial work injury.

On March 1, 1994 appellant, then a 41-year-old motor vehicle operator and laborer, filed a notice of traumatic injury, claiming that he pulled a muscle in his back, while lifting a desk at work. Appellant filed a notice of recurrence of disability on March 14, 1994, explaining that he returned to work on March 7, 1994, but was sent home by a physician at the end of the day and told to rest in bed. Dr. Daniel Tinman, a practitioner in occupational medicine, diagnosed an acute flare-up of muscle pain, but was "not entirely certain" that appellant's employment caused the pain.[1]

On September 17, 1995 appellant filed another notice of recurrence of disability, claiming that he had experienced constant, nagging lower back pain since the original injury and on August 28, 1995 had hurt his back, while driving a shuttle bus. Appellant stated that the pain was unbearable and he went to an emergency room for treatment.

Dr. Jeffrey Shall, a Board-certified orthopedic surgeon, diagnosed a lumbar strain and stated that appellant could return to work on September 15, 1995. Dr. Lawrence A. Detwiler, Board-certified in internal medicine, diagnosed recurrent low back strain and stated that, given appellant's prior back injuries, the latest strain was "likely" caused or aggravated by driving "the bus/truck at work." Dr. Detwiler added that appellant could return to work on September 18, 1995, but that full recovery might take three to six months and that appellant's work could potentially aggravate his injury.

[1] The Office of Workers' Compensation Programs noted that this claim "was handled under expedited procedures for bill payment up to $1,000.00 without being accepted with a diagnosis."

On November 13, 1995 the Office informed appellant that none of the medical reports attributed his current back injury to the March 1, 1994 incident and that he needed to submit a narrative medical report from his physician explaining the cause and effect relationship between the claimed period of disability and the original injury. The Office added that based on the information in his file, appellant might want to file a claim for occupational disease, because of his back condition.

Appellant submitted a November 3, 1995 form report from Dr. Tinman, who stated that appellant was seen in the emergency room on March 1, 1994 for acute back pain, but that he was uncertain of any diagnosis and that the causal relationship was "unknown."

On February 7, 1996 the Office denied the claim on the grounds that the evidence was insufficient to establish that appellant's current back condition was causally related to the March 1, 1994 incident. The Office noted that while Dr. Detwiler felt that driving a bus or truck at work would aggravate appellant's back, neither he nor Dr. Tinman discussed any causal connection between appellant's current back condition and the 1994 injury.

Under the Federal Employees Compensation Act,[2] an employee 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 recurrence of the disabling condition, for which compensation is sought is causally related to the accepted employment injury.[3] As part of this burden the employee must submit rationalized medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the current disabling condition is causally related to the accepted employment-related condition,[4] and supports that conclusion with sound medical reasoning.[5]

Section 10.121(b) provides that when an employee has received medical care as a result of the recurrence, he or she should arrange for the attending physician to submit a medical report covering the dates of examination and treatment, the history given by the employee, the clinical findings, the results of x-ray and laboratory tests, the diagnosis, the course of treatment, the physician's opinion with medical reasons regarding the causal relationship between the employee's condition and the original injury, any work limitations or restrictions and the prognosis.[6]

Thus, the medical evidence must demonstrate that the claimed recurrence was caused, precipitated, accelerated, or aggravated by the accepted injury.[7] In this regard, medical evidence

[2] 5 U.S.C. §§ 8101-8193. (1974).

[3] *Dennis J. Lasanen,* 43 ECAB 549, 550 (1992).

[4] *Kevin J. McGrath,* 42 ECAB 109, 116 (1990).

[5] *Lourdes Davila*, 45 ECAB 139, 142 (1993).

[6] 20 C.F.R. § 10.121(b).

[7] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship,* Chapter 2.805.2 (June 1995).

of bridging symptoms between the recurrence and the accepted injury must support the physician's conclusion of a causal relationship.[8]

In this case, appellant alleged that he had experienced nagging back pain since March 1, 1994, when he pulled a muscle in his back at work, but failed to submit any medical evidence establishing that his current back condition was causally related to the March 1, 1994 injury.[9] In its November 13, 1995 letter, the Office explained the necessity for additional factual and medical evidence to support appellant's claim, but the record contains only form reports from Drs. Tinman, Shall and Detwiler.[10] Inasmuch as appellant has failed to submit probative evidence establishing the required connection, the Office properly denied his claim for compensation.[11]

The February 7, 1996 decision of the Office of Workers' Compensation Programs is affirmed.

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

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

[8] *Leslie S. Pope*, 37 ECAB 798, 802 (1986); *cf. Richard McBride*, 37 ECAB 748, 753 (1986).

[9] *See Robert J. Krstyen*, 44 ECAB 227, 230 (1992) (finding that appellant failed to submit sufficient medical evidence to establish that specific work factors caused or aggravated his back condition).

[10] *See Jose Hernandez*, 47 ECAB ___ (Docket No. 94-1089, issued January 23, 1996) (finding that despite a request from the Office, appellant failed to submit a rationalized medical opinion showing that the claimed recurrence was related to his employment injury).

[11] *Cf. Charles Edgar*, 40 ECAB 223, 230 (1988) (medical evidence demonstrates causal connection between back pain caused by work-related accident and subsequent surgery).