

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES B. BEACHEM and U.S. POSTAL SERVICE,
POST OFFICE, Kansas City, Mo.

*Docket No. 96-913; Submitted on the Record;
Issued May 8, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that he had a recurrence of total disability causally related to his employment injuries of January 6, 1966 and July 17, 1968.

The case has been on appeal previously.¹ In a May 13, 1982 decision, the Board noted that January 6, 1966 appellant injured his left shoulder while lifting and loading heavy sacks of mail. He subsequently underwent surgery for removal of a thickened subdeltoid bursa. On July 17, 1968 appellant developed a sharp pain in his left wrist while dragging heavy sacks of mail. He subsequently had a ganglion in his wrist removed surgically. The Office of Workers' Compensation Programs subsequently terminated compensation effective April 28, 1977 on the grounds that the medical evidence of record failed to establish any physical disability caused or materially aggravated by factors of his employment. Appellant received schedule awards for a total 15 percent permanent impairment of the left arm. The Board found that since appellant's shoulder injury occurred prior to July 4, 1966, the effective date of amendments to the Federal Employees' Compensation Act, he was entitled only to a schedule award and not to compensation for loss of wage-earning capacity. The Board indicated that appellant would be entitled to additional compensation for an increased permanent impairment or compensation for total disability. The Board found that appellant had no more than a 15 percent permanent impairment of the left arm. The Board further found that the medical evidence of record showed that appellant was not totally disabled for work due to his January 6, 1966 employment injury and therefore was not entitled to compensation for total disability.

On September 16, 1995 appellant filed a claim for a recurrence of disability although he stated that his claim was not based on a recurrence of disability but on a continuation of his disability from his original injury. He claimed that his current condition was related to his

¹ 33 ECAB 1148 (1982). The history of the case is contained in the prior decision and is incorporated by reference.

original injury because he was experiencing the same medical problems from his original injury. In a January 11, 1996 decision, the Office rejected appellant's claim on the grounds that the evidence of record failed to demonstrate a causal relationship between the employment injuries and appellant's claimed condition or disability.

The Board finds that appellant had not met his burden of proof in establishing that he had a recurrence of disability causally related to his original employment injuries.

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.²

After the Board's May 13, 1982 decision, appellant submitted several medical reports that described his medical condition. In a January 24, 1985 report, Dr. Frank S. Wood, a Board-certified orthopedic surgeon, diagnosed supraspinatus tendinitis with impingement syndrome of the left shoulder. In a September 3, 1987 report, Dr. James B. Frost, a Board-certified orthopedic surgeon, indicated that appellant had some atrophy of the left shoulder and could not raise it above 90 degrees. He diagnosed rotator cuff syndrome of the left shoulder. In subsequent progress reports Dr. Frost noted that appellant continued to complain of pain in the left shoulder. Neither physician discussed whether appellant's condition was related to his employment injury or caused total disability. Appellant submitted other reports and tests relating to treatment for a cardiac condition which are irrelevant to the issue of whether he had a recurrence of total disability due to his employment injuries. Dr. Larry Walker, a Board-certified surgeon, indicated in a January 31, 1994 note that appellant had disability of an old left shoulder injury but did not discuss whether the condition was related to appellant's employment injuries or caused total disability. The medical evidence submitted by appellant therefore lacks any opinion, supported by rationale, that would establish appellant had a recurrence of total disability causally related to his employment injury. Appellant has not met his burden of proof.

² *Dominic M. DeScala*, 37 ECAB 369 (1986).

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

Dated, Washington, D.C.
May 8, 1998

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member