

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JUNE M. BEACH and DEPARTMENT OF DEFENSE,
DEFENSE FINANCE & ACCOUNTING SERVICE, Cleveland, Ohio

*Docket No. 96-1344; Submitted on the Record;
Issued May 7, 1998*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has established a recurrence of disability due to a right wrist condition causally related to her accepted March 23, 1992 employment injury.

The Board has duly reviewed the case record and concludes that appellant has not established a right wrist condition causally related to her accepted employment injury.

In the present case, the Office of Workers' Compensation Programs accepted that appellant sustained a sprain of the right wrist, right wrist carpal tunnel syndrome requiring surgery, and a right ankle sprain stemming from a fall on the ice on March 23, 1992 in the course of her federal employment. On April 10, 1995 appellant filed a notice of recurrence of disability indicating that her right wrist condition worsened effective March 21, 1995. The Office previously advised appellant to submit rationalized medical evidence addressing the relationship between her alleged recurrence of disability and her accepted employment condition.

In support, appellant submitted a disability certificate and a progress note from Dr. Charles C. Shin, her treating physician and a Board-certified orthopedic surgeon, indicating that appellant was experiencing difficulty at work. Appellant also submitted electromyographic and nerve conduction studies from Dr. Janet Shin indicating that conduction of the right median nerve through carpal tunnels were slightly reduced and that the amplitude of sensory potential of the right medial nerve through the carpal tunnels was the same or slightly better than a previous test done in March 1993. Dr. Charles Shin completed another disability certificate on July 17, 1995.

In a decision dated December 13, 1995, the Office denied the claim for recurrence of disability because the record was devoid of any evidence demonstrating a causal relationship between the accepted employment injury and the claimed condition of disability.

On December 28, 1995 appellant requested reconsideration. In support, appellant submitted a January 6, 1995 report from Dr. Charles Shin. He stated that he treated appellant for right wrist problems and that appellant had residual carpal tunnel syndrome with median nerve distributional paresthesia with intermittent use of orthotic device. Dr. Charles Shin indicated that the “above are consequences of repeated use of the right hand and wrist from computer work and typing.” He indicated in a report dated September 20, 1995, that further tests were needed to confirm carpal tunnel syndrome in appellant’s left wrist and that function was very limited in both wrists and hands due to neurological deficits. Appellant also submitted an October 25, 1995 report from Stanley H. Nahigian, a Board-certified orthopedic surgeon and hand specialist, he stated that appellant’s left hand was developing severe symptoms of carpal tunnel syndrome and that the symptoms in the right hand remained. He recommended further tests and suggested appellant would need postoperative hand treatment. Dr. Nahigian indicated on December 20, 1995 that he treated appellant for hand and upper extremity problems. Appellant also submitted a report from Dr. Shamsi Lashgari diagnosing right and left ulnar neuropathy, left-sided early carpal tunnel syndrome, and continued carpal tunnel symptoms following appellant’s previous carpal tunnel release.

In a decision dated January 2, 1996, the Office reviewed the case on its merits and found that the evidence submitted in support of the application was insufficient to warrant modification of the prior decision. In an accompanying memorandum, the Office again noted that the record was devoid of any evidence demonstrating a causal relationship between the accepted employment injury and the claimed condition or disability.

Where appellant claims a recurrence of disability to an accepted employment-related injury, she has the burden of establishing by the weight of the reliable probative evidence that the recurrence of the condition for which she seeks compensation is causally related to the accepted employment injury.¹ As part of this burden, appellant must submit rationalized medical opinion evidence based on a complete and accurate factual and medical background showing a causal relationship between the current condition and the accepted employment-related injury.

In this case, none of the physicians addressing appellant’s current condition and disabilities relates them in any way to her accepted March 23, 1992 employment injury.

¹ See *Henry L. Kent*, 34 ECAB 361 (1982); *Dennis E. Twadzik*, 34 ECAB 536 (1983).

The decisions of the Office of Workers' Compensation Programs dated January 2, 1996 and December 13, 1995 are therefore affirmed.

Dated, Washington, D.C.
May 7, 1998

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member