

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of TERRANCE A. BILLY and DEPARTMENT OF THE NAVY,
PUGET SOUND NAVAL SHIPYARD, Bremerton, Wash.

*Docket No. 97-813; Submitted on the Record;
Issued October 9, 1998*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has established a recurrence of disability on or about August 4, 1996 causally related to his employment injury of June 3, 1994.

On June 15, 1994 appellant, then a 32-year-old shipyard worker, filed a claim for compensation alleging that on June 3, 1994 he injured his hands while in the performance of duty.

On September 15, 1994 the Office of Workers' Compensation Programs accepted appellant's employment injury for bilateral wrist sprain.

On September 8, 1996 appellant filed a claim for recurrence of disability alleging that on August 4, 1996 he was unable to work due to carpal tunnel syndrome in both hands. Appellant noted that his hands "never got better" even before his automobile accident. On September 29, 1996 appellant filed a claim for a schedule award alleging wage loss from August 4 to November 4, 1996.¹

By letter dated October 15, 1996, the Office advised appellant that he needed to submit additional information regarding his claim for permanent impairment and recurrence of disability noting that his claim record was devoid of information regarding a diagnosis of carpal tunnel syndrome. It further advised him that he was required to submit medical evidence establishing the current medical condition as well as a medical report which would relate his current medical condition to work factors.

In a medical report dated September 4, 1996 and received by the Office on October 30, 1996, Dr. Enayat Niakan, Board-certified in psychiatry and neurology, stated that appellant

¹ The Board notes that there is no final decision of the Office pending before the Board regarding appellant's schedule award claim.

noted that his carpal tunnel syndrome for which he had been treated two years earlier had resolved. He also noted that appellant had been in an automobile accident on August 4, 1996 in which he had sustained a whiplash injury. Upon electrodiagnostic testing, the doctor noted positive Tinel's and Phalen's signs "at wrist level." He found that appellant had sustained neck and lumbar strain due to whiplash injury as a result of the automobile accident and bilateral carpal tunnel syndrome, "probably related to his job."

In a medical report dated October 16, 1996,² Dr. Kent P. VanBuecken, a Board-certified orthopedic surgeon, stated that he had reviewed Dr. Naikan's test results and concurred in the doctor's diagnosis that appellant had carpal tunnel syndrome. He further noted that appellant's condition had worsened during the last two years.

On December 18, 1996 the Office, in a decision, denied appellant's claim for recurrence of disability. In an attached memorandum, the Office noted that appellant had failed to submit medical evidence sufficient to establish that his medical condition was causally related to his employment injury. The Office further advised appellant to file a Form CA-2 if he believed that his carpal tunnel syndrome was related to employment factors.

The Board has duly reviewed the case record on appeal and finds that appellant has not met his burden of proof in establishing that he sustained a recurrence of disability causally related to his June 3, 1994 employment injury.

Where appellant claims a recurrence of disability due to an accepted employment-related injury, he has the burden of establishing by the weight of the substantial, reliable and probative evidence that the subsequent disability for which he claims compensation is causally related to the accepted injury.³ This burden includes the necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.⁴

In this case, appellant's employment-related injury was bilateral wrist sprain. However, none of the medical reports that appellant submitted to support his claim for a recurrence of disability established a causal relationship between the employment-related injury and his current medical condition. Because appellant failed to submit a rationalized medical opinion establishing a causal relationship between his bilateral wrist sprain and his medical condition on or after August 4, 1996, the Office properly denied his claim.

The December 18, 1996 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.

² Dr. VanBuecken's cover letter was dated October 16, 1996; the date of the treatment note was October 2, 1996.

³ *Robert H. St. Onge*, 43 ECAB 1169 (1992).

⁴ *Id.*

October 9, 1998

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member