

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELLEN L. STRODTMAN and U.S. POSTAL SERVICE,
POST OFFICE, Kansas City, KS

*Docket No. 97-2633; Submitted on the Record;
Issued December 8, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant has established that she sustained a recurrence of disability on April 12, 1996 causally related to her September 30, 1994 employment injury.

On September 30, 1994 appellant, then a 41-year-old mailhandler, filed a claim for a traumatic injury occurring on that date when she helped prevent a loaded all-purpose container from falling. The Office of Workers' Compensation Programs accepted the claim for lumbar strain. Appellant returned to limited-duty employment for four hours per day on November 3, 1994 and returned to full-time regular employment on April 6, 1995.

On April 12, 1996 appellant filed a notice of recurrence of disability causally related to her September 30, 1994 employment injury. She described her problems as "ongoing" and indicated that she stopped work on April 12, 1996 and returned to work on April 13, 1996.

By decision dated June 4, 1996, the Office denied appellant's claim on the grounds that the evidence did not establish that she sustained a recurrence of disability on April 12, 1996 causally related to her accepted employment injury.

In a letter dated June 18, 1996, appellant requested a hearing before an Office hearing representative. By decision dated June 17, 1997, the hearing representative affirmed the Office's June 4, 1996 decision.

The Board has duly reviewed the case record in the present appeal and finds that appellant has not met her burden of proof to establish that she had a recurrence of disability on April 12, 1996 causally related to her September 30, 1994 employment injury.

Where appellant claims a recurrence of disability due to an accepted employment-related injury, she has the burden of establishing by the weight of the substantial, reliable and probative evidence that the subsequent disability for which she claims compensation is causally related to

the accepted injury.¹ 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.²

In support of her claim, appellant submitted a disability certificate dated April 12, 1996 from Dr. Gerald B. Lee, a Board-certified internist, who opined that appellant should perform light-duty employment. However, Dr. Lee did not render a diagnosis or provide a finding on causation and thus his report is of little probative value.

In a report dated April 30, 1996, Dr. William O. Hopkins, a Board-certified orthopedic surgeon, indicated that appellant had lumbar disc problems and listed “indefinite” work limitations. Dr. Hopkins’ report, however, is not sufficient to meet appellant’s burden of proof as it does not address the issue of whether she had any current condition or disability causally related to her accepted employment injury.

In a form report dated May 3, 1996, Dr. Hopkins diagnosed degenerative disc disease at L4-5 and L5-S1 and a bulging disc at L5-S1. He found that appellant could work with limitations. Dr. Hopkins checked “yes” that the history given by appellant corresponded to that provided on the front of the form, which described her history of injury as lumbar spine and disc problems. In a work restriction evaluation of the same date, he found that appellant could work 8 to 10 hours per day with listed limitations and indicated that none of the limitations were due to her employment injury. Thus, Dr. Hopkins’ May 3, 1996 reports do not support a finding that appellant had any disability causally related to her September 30, 1994 employment injury.

In a report dated April 29, 1997, Dr. Hopkins noted that appellant related that she experienced no problems with her lower back prior to her employment injury. He opined that appellant’s symptoms of immediate back pain followed later by “pain and other symptoms down the leg” were consistent with “an intervertebral disc injury with a subsequent protrusion.” Dr. Hopkins concluded:

“Certainly, looking at an MRI [magnetic resonance imaging scan] does not tell us the cause of the problem, but only that it is present. Therefore, in my opinion, her current medical condition is consistent with and related to the injury that she described to me on September 30, 1994, as long as the documented information that she has given to me is correct.”

“Her complaints of back pain, leg pain, a sensory deficit are all commensurate with intervertebral disc problems at the L4-5 and L5-S1 levels, which are again documented by her MRI scan.”³

¹ *Robert H. St. Onge*, 43 ECAB 1169 (1992).

² *Id.*

³ An MRI scan of appellant’s lumbar spine, obtained on October 12, 1994, revealed a “small, central subligamentous disc herniation at L4-5” and central disc bulging at L5-S1.

Dr. Hopkins, however, did not explain how, with reference to the specific facts of this case, appellant's 1994 back condition would subside such that she could return to her regular employment for approximately one year and then result in disability beginning April 1996. The opinion of a physician supporting causal relationship must be supported by affirmative evidence, address the specific factual and medical evidence of record and be explained by medical rationale.⁴

As appellant failed to submit rationalized medical evidence establishing that her claimed recurrence of disability is causally related to her accepted employment injury, the Office properly denied her claim for compensation.

The decision of the Office of Workers' Compensation Programs dated June 17, 1997 is hereby affirmed.

Dated, Washington, D.C.
December 8, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member

⁴ *Lucrecia M. Nielsen*, 42 ECAB 583 (1991).