

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ALONSO ALLEN and U.S. POSTAL SERVICE,  
POST OFFICE, Coatesville, Pa.

*Docket Nos. 97-1147 & 97-1399; Oral Argument Held December 15, 1998;  
Issued February 22, 1999*

Appearances: *Andrew W. Green, Esq.*, for appellant; *Sheldon G. Turley, Jr., Esq.*,  
for the Director, Office of Workers' Compensation Programs.

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
MICHAEL E. GROOM

The issue is whether appellant has met his burden of proof to establish that his bilateral tarsal tunnel syndrome is causally related to his April 9, 1982 accepted back condition or his April 22, 1985 accepted left knee condition.

On April 9, 1982 appellant filed a claim for traumatic injury, number A3-70283, alleging that on that date he slipped on icy steps and injured his left leg and right buttock. The Office of Workers' Compensation Programs subsequently accepted appellant's claim for a lumbosacral sprain.

On April 23, 1985 appellant filed a separate claim for traumatic injury, number A3-102858, alleging that on April 22, 1985 he injured his legs in the performance of his federal employment duties. The Office subsequently accepted the claim for contusion and sprain of the left knee and paid appropriate compensation benefits.

Through letters from counsel dated May 22, 1995, and through separately filed claim forms dated August 16, 1995, appellant claimed a recurrence of disability in both claims. Appellant specifically asserted that he suffers from tarsal tunnel syndrome, caused or contributed to by his repeated employment-related injuries.

In a decision dated November 9, 1995, the Office denied appellant's claim for recurrence of disability, number A3-102858, on the basis that appellant failed to establish that his disabling tarsal tunnel syndrome was causally related to his accepted left knee condition. Appellant disagreed with the decision and requested an oral hearing, which was held on April 29, 1996. At the hearing, appellant testified and submitted additional medical evidence in support of his claim. Appellant asserted that he has sustained multiple employment injuries to his back, legs

and feet, and has filed ten separate claims as a result of these injuries and that the combined effects of these injuries has contributed to the development of his tarsal tunnel syndrome.<sup>1</sup>

By decision dated April 30, 1996, the Office issued a decision denying appellant's claim for recurrence of disability in claim number A3-70283, on the grounds that the medical evidence of record failed to establish a causal connection between appellant's claimed recurrence of disability due to tarsal tunnel syndrome and his accepted lumbosacral sprain. Appellant disagreed with the decision and requested an oral hearing, which was held on November 20, 1996.

Appellant also testified at this hearing and submitted additional evidence in support of his claim. Appellant again urged that his numerous injuries be considered together as a combined cause of his tarsal tunnel syndrome.

The Board finds that based on the evidence of record in this appeal, appellant has not met his burden of proof to establish that his tarsal tunnel syndrome is causally related to either his April 9, 1982 or April 22, 1985 accepted employment injuries.

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.<sup>2</sup> 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.<sup>3</sup>

In the present case, the Office accepted that appellant sustained a lumbosacral sprain on April 9, 1982 and a contusion and sprain of the left knee on April 22, 1985. Following each injury appellant was totally disabled for a period of approximately one month and was then released to regular duty.

In support of his claim, appellant submitted numerous medical reports documenting the diagnosis and treatment of his tarsal tunnel syndrome. Of particular relevance to appellant's instant claims for recurrence of disability are the reports from his treating physicians, Dr. Vincent J. Pongia, a podiatrist, and Dr. James B. Stephenson, a Board-certified general surgeon. In his April 6, 1996 report, Dr. Pongia stated that during his federal employment, appellant sustained a number of injuries, some of which were direct injuries to his feet and lumbar spine. Regarding the relationship between these injuries and appellant's tarsal tunnel syndrome, Dr. Pongia stated that "the injuries sustained to [appellant] with regard to his back as

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<sup>1</sup> The Board notes that subsequent to the filing of the appeal in this case, appellant filed a claim for occupational disease, OWCP No. A3-229999, asserting that the combined effect of his multiple foot, back and leg injuries contributed to the development of his tarsal tunnel syndrome. This case, however, is not currently before the Board.

<sup>2</sup> *Dominic M. DeScala*, 37 ECAB 369 (1986); *John E. Blount*, 30 ECAB 1374 (1979).

<sup>3</sup> *Nicolea Bruso*, 33 ECAB 1138 (1982); *Frances B. Evans*, 32 ECAB 60 (1980).

well as his feet would have contributed in some part to the tarsal tunnel syndrome....” In a report dated July 19, 1996, Dr. Stephenson recounted appellant’s numerous employment-related injuries, including his 1982 fall which resulted in the lumbar strain and his 1985 left knee injury. Dr. Stephenson concluded that these multiple injuries “are related and contributed to the presence of bilateral tarsal tunnel syndrome.” While both Drs. Pongia and Stephenson opined that appellant’s tarsal tunnel syndrome is causally related, at least in part, to his multiple work injuries, including the 1982 lumbar strain and 1985 left knee strain at issue in this case, neither physician offered any medical rationale explaining the nature of the relationship between appellant’s tarsal tunnel syndrome and either his 1982 accepted back injury or his 1985 accepted knee injury and thus their opinions are of little probative value.<sup>4</sup>

The Office, on several occasions, specifically informed appellant of the type of evidence required to establish his claims for recurrence of disability and appellant failed to submit such evidence. Consequently, while the evidence may establish that appellant has sustained numerous employment-related injuries, including a 1982 lumbosacral sprain and a 1985 left knee sprain, and may further establish that appellant has developed tarsal tunnel syndrome, appellant has not submitted probative medical evidence sufficient to establish that his tarsal tunnel syndrome is causally related, in whole or in part to either the 1982 accepted lumbosacral sprain or the 1985 accepted left knee condition.

The decisions of the Office of Workers’ Compensation Programs dated February 10 and January 13, 1997 are hereby affirmed.

Dated, Washington, D.C.  
February 22, 1999

Michael J. Walsh  
Chairman

David S. Gerson  
Member

Michael E. Groom  
Alternate Member

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<sup>4</sup> *Ern Reynolds*, 45 ECAB 690 (1994).