

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DANIEL J. ARMSTEAD and DEPARTMENT OF VETERANS AFFAIRS,
PRESCOTT VETERANS ADMINISTRATION MEDICAL CENTER, Prescott, Ariz.

*Docket No. 97-154; Submitted on the Record;
Issued January 8, 1999*

DECISION and ORDER

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

The issue is whether appellant has established that his recurrence of disability on May 25, 1995 was causally related to his accepted condition of "no lost time" lumbar sprain.

The Board has duly reviewed the case record and finds that appellant has failed to establish that he sustained a recurrence of disability causally related to his May 5, 1995 work injury.

Under the Federal Employees' Compensation Act,¹ an employee who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the recurrence of the disabling condition for which compensation is sought is causally related to the accepted employment injury.² As part of this burden the employee must submit rationalized medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the current disabling condition is causally related to the accepted employment-related condition,³ and supports that conclusion with sound medical reasoning.⁴

Thus, the medical evidence must demonstrate that the claimed recurrence was caused, precipitated, accelerated, or aggravated by the accepted injury.⁵ In this regard, medical evidence

¹ 5 U.S.C. §§ 8101-8193.

² *Dennis J. Lasanen*, 43 ECAB 549, 550 (1992).

³ *Kevin J. McGrath*, 42 ECAB 109, 116 (1990).

⁴ *Lourdes Davila*, 45 ECAB 139, 142 (1993).

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.2 (June 1995).

of bridging symptoms between the recurrence and the accepted injury must support the physician's conclusion of a causal relationship.⁶

In this case, appellant, then a 45-year-old housekeeping aid, injured his lower back while placing laundry bags in a chute while in the performance of his duties on May 5, 1995. The Office of Workers' Compensation Programs accepted the claim for lumbar sprain. In a May 8, 1995 medical report, an employing establishment physician examined appellant and diagnosed a "job-related lumbar strain." Appellant was off duty from May 8 through May 19, 1995.

On June 21, 1996 appellant filed a recurrence of disability claiming that he has been having pain in his lower back since May 25, 1995. On the reverse side of the claim form, appellant's supervisor noted that appellant was placed on light duty in the patient clothing room.

By letter dated July 19, 1996, the Office advised appellant to submit additional medical and factual information about his claimed recurrence. No evidence was received by the Office. However, the record indicates that an employing establishment physician treated appellant on December 15, 1995 for a nonwork-related injury and placed him on light duty from December 15, 1995 through January 5, 1996, when appellant was to be reevaluated. The record further indicates that on June 24, 1996 an employing establishment physician placed appellant on light duty and noted that appellant would go to the clothing room. No indication was given as to whether appellant's back condition was work related.

By decision dated August 30, 1996, the Office denied the claim on the grounds that there was no medical evidence of file to establish a causal relationship between the accepted injury and the current condition. Accordingly, the Office found that fact of injury had not been established.

The Board initially notes that it is unclear from the evidence of record whether the alleged recurrence occurred on May 25, 1995 or May 25, 1996. However, none of the medical reports of record address the issue of whether the claimed disability on May 25, 1995 or May 25, 1996 was causally related to the May 5, 1995 accepted work-related injury of lumbar strain. Although the evidence of record establishes that appellant was suffering from back problems in December 1995 and June 1996, the medical reports from the employing establishment physician either fail to relate appellant's current condition to his work and the May 5, 1995 incident or clearly notes, as demonstrated by the December 15, 1995 report, that appellant's back condition was for a nonwork-related injury. Accordingly, as appellant has not provided the requested medical evidence to establish a relationship between his claimed recurrence and his accepted work injury, appellant has failed to meet his burden of proof in establishing that he sustained a recurrence of disability.

⁶ *Leslie S. Pope*, 37 ECAB 798, 802 (1986); cf. *Richard McBride*, 37 ECAB 748, 753 (1986).

The decision of the Office of Workers' Compensation Programs dated August 30, 1996 is hereby affirmed.

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

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member