

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of IRENE ST. JOHN and U.S. POSTAL SERVICE,
POST OFFICE, Patchogue, N.Y.

*Docket No. 97-2553; Submitted on the Record;
Issued July 7, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained a recurrence of disability beginning November 29, 1994 causally related to her accepted March 2, 1994 employment injury.

The Office of Workers' Compensation Programs accepted that appellant sustained a right shoulder strain on March 2, 1994 when she held onto the derailed door of her moving jeep. Appellant received continuation of pay from March 2 to April 16, 1994,¹ and returned to light-duty work on April 18, 1994.

On December 13, 1994 appellant filed a claim for a recurrence of disability due to her March 2, 1994 employment injury. Appellant listed the date of the recurrence as November 30, 1994 and the date she stopped work following the recurrence as November 29, 1994. Appellant noted that she was not working on November 29 or 30, 1994 due to another claimed injury, but stated that she would have stopped working on November 29, 1994 if she had been working.

By decision dated April 13, 1995, the Office found that the evidence failed to demonstrate a causal relation between appellant's March 2, 1994 employment injury and her claimed recurrence of disability in November 1994. This decision was affirmed by an Office hearing representative in a decision dated June 13, 1996.

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.² 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

¹ Appellant worked four hours per day from March 9 to April 6, 1994.

² *John E. Blount*, 30 ECAB 1374 (1974).

that the condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.³

The Board finds that appellant has not established that she sustained a recurrence of disability beginning November 29, 1994 causally related to her accepted March 2, 1994 employment injury.

The Office accepted a right shoulder strain as related to appellant's March 2, 1994 employment injury, and medical reports relatively contemporaneous with the injury address complaints and provide diagnoses with regard only to appellant's right side.

A nerve conduction velocity study on September 19, 1994 showed compression entrapment of the ulnar nerve at the left elbow. Despite this finding, appellant's attending physician, Dr. James F. Dana, indicated in a September 29, 1994 report that appellant could continue to perform light-duty work.

On November 30, 1994 the date of appellant's claimed recurrence of disability, appellant underwent surgery on her left elbow by Dr. Hilton Adler, who thereafter considered her disabled for work. It is apparent that the left elbow surgery on November 30, 1994 is what disabled appellant for work beginning that date.

The question is whether the left elbow surgery is causally related to appellant's March 2, 1994 employment injury. In a report on an Office form dated December 12, 1994, Dr. Adler checked a box to indicate that appellant's left ulnar nerve entrapment at the elbow was related to her March 2, 1994 injury. The Board has held that a physician's opinion on causal relationship that consists of marking "yes" to a form question, without explanation or rationale, has little probative value and does not establish causal relation.⁴ Dr. Dana also answered "yes" to the question on causal relation on an Office form, and added, as an explanation that appellant "was cleared medically prior to [March 2, 1994] injury. Symptoms only showed up after that incident." The Board has held that an opinion that a condition is causally related to an employment injury because the employee was asymptomatic before the injury is insufficient, without supporting rationale, to establish causal relation.⁵ Rationale connecting appellant's left elbow surgery to her March 2, 1994 employment injury is especially necessary, as the accepted condition is a right shoulder strain, the early findings were all on the right side, and left epicondylitis was diagnosed almost three years before appellant's March 2, 1994 injury. Appellant has not met her burden of proof.

³ *Frances B. Evans*, 31 ECAB 60 (1980).

⁴ *Lillian M. Jones*, 34 ECAB 379 (1982).

⁵ *Thomas D. Petrylak*, 39 ECAB 276 (1987).

The decision of the Office of Workers' Compensation Programs dated June 13, 1996 is affirmed.

Dated, Washington, D.C.
July 7, 1999

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member