U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GERMAN VILLEGAS and DEPARTMENT OF VETERANS AFFAIRS, SAN JUAN MEDICAL CENTER, San Juan, P.R.

Docket No. 97-2781; Submitted on the Record;
Issued July 9, 1999

DECISION and ORDER

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

The issue is whether appellant has met his burden of proof in establishing disability from December 4, 1991 to January 5, 1992 and on or after June 12, 1992, due to his November 14, 1991 employment injury.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet his burden of proof in establishing disability from December 4, 1991 to January 5, 1992 and on or after June 12, 1992 due to his November 14, 1991 employment injury.

This case has previously been before the Board on appeal. In a decision dated February 12, 1996,[1] the Board found that appellant had no disability from December 4, 1991 to January 5, 1992 and on or after June 12, 1992 causally related to his November 14, 1991 employment injury. The facts and circumstances of the case as set out in the Board's prior decision are adopted herein by reference.

Following the Board's February 12, 1996 decision, appellant requested reconsideration and submitted additional new evidence. By decision dated July 28, 1997, the Office denied modification of its decisions dated June 2 and September 17, 1993.

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between his recurrences of disability commencing December 4, 1991 to January 5, 1992 and on or after June 12, 1992 and his November 14, 1991 employment injury.[2] This burden includes the necessity of furnishing medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.[3]

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[1] Docket No. 94-1334.

[2] *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

[3] *See Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

In support of his claim, appellant submitted additional medical evidence. In a medical note dated February 16, 1995, a physician[4] noted appellant's 1991 employment injury and diagnosed chronic low back syndrome. An x-ray report of that date indicated that appellant's lumbosacral spine had narrowing of the L4-5 vertebral space with anterior spurs on L4 and L5. On March 2, 1995 a physician noted appellant's history of injury and stated that x-rays demonstrated disc space narrowing at L4-5. He diagnosed left carpal tunnel syndrome, myofascial pain, mechanical low back pain secondary to degenerative disc disease and spondylolysis. An August 17, 1995 note listed appellant's complaints of headaches, pain in the cervical area, low back and both knees. The note mentioned appellant's employment injury in 1991.

These reports are not sufficient to meet appellant's burden of proof in establishing a causal relationship between his accepted condition of lumbar strain and the alleged periods of disability. The physicians did not provide an opinion on the causal relationship between appellant's diagnosed conditions and his employment injury. Without the necessary medical opinion evidence, appellant has failed to meet his burden of proof and the Office properly denied his claim.[5]

The decision of the Office of Workers' Compensation Programs dated July 28, 1997 is hereby affirmed.

Dated, Washington, D.C.
July 9, 1999

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

[4] The physician's signatures on appellant's medical records are illegible.

[5] The remainder of the evidence submitted by appellant with his request for reconsideration was either repetitive of evidence already included in the record or not relevant to the issue of whether the medical evidence is sufficient to establish a causal relationship between his claimed disability and his accepted employment injury.