

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CURTIS W. BLOODWORTH and U.S. POSTAL SERVICE,
GENERAL MAIL FACILITY, Cleveland, Ohio

*Docket No. 98-32; Submitted on the Record;
Issued July 1, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant has established that he sustained recurrences of disability on September 7, 1996 and July 6, 1997 causally related to his June 13, 1996 employment injury.

The Office of Workers' Compensation Programs accepted that appellant sustained an acute lumbar strain on June 13, 1996 by sleeving trays of mail and loading them onto trucks. Appellant performed two weeks of limited duty following this injury. On September 7, 1996 and July 6, 1997, appellant filed claims for recurrences of disability beginning those dates causally related to his June 13, 1996 employment injury. Appellant did not stop work on either occasion, but was assigned limited duty. By decisions dated October 21, 1996 and August 22, 1997, the Office found that the evidence failed to demonstrate a causal relation between appellant's June 13, 1996 employment injury and his claimed recurrences of disability.

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.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

The Board finds that appellant has not established that he sustained recurrences of disability on September 7, 1996 and July 6, 1997 causally related to his June 13, 1996 employment injury.

¹ *John E. Blount*, 30 ECAB 1374 (1974).

² *Frances B. Evans*, 31 ECAB 60 (1980).

With regard to appellant's claim for a recurrence of disability on September 7, 1996, the only medical evidence he submitted were reports from an emergency room visit on September 7, 1996. One of these reports notes a history of the June 1996 employment injury, but does not indicate that appellant's condition on September 7, 1996, diagnosed as a lumbar strain, is related to that employment injury. On the other report, the physician checked boxes to indicate appellant's lumbar strain was due to a work-related injury, but this is not sufficient to meet appellant's burden of proof even if one reads this in conjunction with the other report as referring to the June 13, 1996 injury. Without any explanation or rationale, the checking of a box on a form is insufficient to meet appellant's burden of proof.³

With regard to appellant's claim for a recurrence of disability on July 6, 1997, appellant submitted reports from his emergency room visit on July 6, 1997. One of these indicates appellant was seen for a work-related injury, diagnoses acute exacerbation of low back pain and indicates appellant has work tolerance limitations. Neither this report, which is titled "patient work excuse," nor the notes of the emergency room visit address whether appellant's condition on July 6, 1997 is causally related to his June 13, 1996 employment injury. Appellant was also seen at the hospital emergency room on July 4, 1997, but the reports on that visit also do not show that the condition on that date, diagnosed as chronic low back pain or chronic low back strain, is causally related to appellant's June 13, 1996 employment injury. One of these reports states that appellant injured his back one year ago and had a recurrence on July 4, 1997. This report, however, contains no rationale explaining how appellant's condition on July 4, 1997 is related to his June 13, 1996 employment injury. Such rationale is especially important given that appellant had a low back condition that preexisted his June 13, 1996 employment injury, as shown by a Department of Veterans Affairs December 13, 1994 rating for "residuals of lumbosacral injury with spondylolisthesis and right leg involvement." Appellant has not met his burden of proof.

³ *Salvatore Dante Roscello*, 31 ECAB 247 (1979).

The decisions of the Office of Workers' Compensation Programs dated August 22, 1997 and October 21, 1996 are affirmed.

Dated, Washington, D.C.
July 1, 1999

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member