

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALLEN R. BLAIR and DEPARTMENT OF THE NAVY,
NAVAL AIR SYSTEMS COMMAND, Alameda, Calif.

*Docket No. 98-391; Submitted on the Record;
Issued July 14, 1999*

DECISION and ORDER

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

The issue is whether appellant has met his burden of proof in establishing that he sustained a recurrence of disability on or about July 15, 1996 causally related to his January 26, 1996 accepted injury.

The Board has duly reviewed the case record on appeal and finds that appellant has not met his burden of proof in establishing that he sustained a recurrence of disability on or about July 15, 1996 causally related to his January 26, 1996 accepted injury.

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between his recurrence of disability commencing on or about July 15, 1996 and his January 26, 1996 accepted injury.¹ 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.²

In this case, the Office of Workers' Compensation Programs accepted that appellant sustained an injury to his right elbow on January 26, 1996. On August 17, 1996 appellant filed a claim for recurrence of disability alleging that "prolong movement of arm in performing my duties causes elbow to become sore and stiff." By decision dated July 30, 1997, the Office denied appellant's claim finding that he had failed to establish a causal relationship between his accepted injury and the claimed condition or disability.

In support of his claim for recurrence of disability, appellant submitted several medical reports from Dr. Raymond M. Bonneau, Board-certified in orthopedic surgery. In a January 31,

¹ *Mark A. Cacchione*, 46 ECAB 148 (1994).

² *Id.*

1996 medical report, received by the Office on April 11, 1996,³ Dr. Bonneau read an x-ray and stated that appellant had soft tissue swelling in the olecranon bursa. In a March 28, 1997 medical report, Dr. Bonneau stated that appellant had an injection in the lateral epicondyle in January 1997 and that he had reported subjective complaints of pain over the lateral aspect of the elbow. Dr. Bonneau noted that this was characteristic of a recurrence of latent epicondylitis. These reports are not sufficient to meet appellant's burden of proof as Dr. Bonneau did not support his opinion with a rationalized medical opinion establishing a causal relationship between appellant's current condition and his employment-related injury. Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.⁴ An award of compensation may not be based on surmise, conjecture or speculation or upon appellant's belief that there is a causal relationship between his condition and his employment. To establish causal relationship, appellant must submit a physician's report in which the physician reviews the factors of employment identified by appellant as causing his condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant's medical history, states whether these employment factors caused or aggravated appellant's diagnosed conditions and present medical rationale in support of his or her opinion. Appellant failed to submit such evidence and therefore failed to discharge his burden of proof.⁵

The July 30, 1997 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
July 14, 1999

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

³ This report received by the Office after it had accepted appellant's claim on March 16, 1996.

⁴ *Id.*

⁵ *Corlisa L. Sims (Smith)*, 46 ECAB 172 (1994).