

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN G. CIANFRANO and DEPARTMENT OF THE AIR FORCE,
STRATEGIC AIR COMMAND, GRIFFISS AIR FORCE BASE, N.Y.

*Docket No. 97-1771; Submitted on the Record;
Issued June 24, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant sustained a recurrence of disability on or about November 18, 1991 causally related to his November 6, 1989 employment injury.

On November 6, 1989 appellant, a gardener, sustained an injury while in the performance of his duties when he lifted a pallet and felt a "pop-pull" in his back. The Office of Workers' Compensation Programs accepted his claim for lumbar strain and paid compensation for periods of wage loss. The Office placed him on the periodic compensation rolls. On November 19, 1990 appellant returned to work as a medical clerk on a full-time basis. The Office reduced his monetary compensation based on his actual wages in the new position and kept him on the periodic rolls.

On September 13, 1991 appellant filed a claim asserting that he sustained a recurrence of disability on September 16, 1991 causally related to his employment injury of November 6, 1989. He stated: "Work tasks, job exacerbates condition.... Condition is exacerbated, brought on consistently by job. Started job in medical records [November 19, 1990]. Now, condition precipitated by job." Appellant stopped work on November 18, 1991 and did not return. His pay stopped on December 1, 1990.

In a decision dated March 18, 1992, the Office denied appellant's claim on the grounds that the evidence of record failed to demonstrate a causal relationship between his employment injury of November 6, 1989 and his claimed condition or disability for work. Several other merit reviews followed, none of which disturbed the Office's March 18, 1992 denial. In a decision dated September 23, 1996, the Office reviewed the merits of appellant's claim once again but denied modification of its decision denying appellant's claim of recurrence.

The Board finds that the evidence of record is insufficient to establish that appellant sustained a recurrence of disability on or about November 18, 1991 causally related to his November 6, 1989 employment injury.

An individual who claims a recurrence of disability resulting from an accepted employment injury has the burden of establishing that the disability is related to the accepted injury. This burden requires 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 the employment injury and who supports that conclusion with sound medical reasoning.¹

Appellant has submitted medical opinion evidence relating his current condition and disability for work to the employment injury of November 6, 1989, but none of these opinions is supported with sound medical reasoning. The record contains a number of form reports describing the nature of appellant's disabling condition and indicating with an affirmative mark that appellant's present condition is due to the injury of November 6, 1989. The Board has held, however, that when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion has little probative value and is insufficient to establish causal relationship.² Appellant's burden includes the necessity of furnishing an affirmative opinion from a physician who supports his conclusion with sound medical reasoning.

In addition to these form reports, appellant has submitted a couple of narrative medical reports that expressly support the element of causal relationship. In his June 16, 1993 report, Dr. Matthew D. Tomaiuolo, an orthopedic surgeon, stated that appellant was disabled for his work as a gardener, that this disability was permanent and that the causal relationship of that disability was due to the work-related injury that occurred on November 6, 1989. In his April 4, 1994 report, Dr. Gregory B. Shankman, also an orthopedic surgeon, stated that appellant had a herniated disc with spinal instability "due to his workmen's compensation injury." Dr. Shankman added that appellant was totally disabled with this and that the instability was permanent. Although both physicians attributed appellant's current disability to his employment injury, neither offered sound medical reasoning to support their opinions. It is not necessary that the evidence be so conclusive as to suggest causal connection beyond all possible doubt in the mind of a medical scientist. The evidence required is only that necessary to convince the adjudicator that the conclusion drawn is rational, sound and logical.³ Without a well-reasoned medical explanation of how the incident of November 6, 1989 caused appellant to stop work on or about November 18, 1991, these narrative medical opinions are insufficient to establish the critical element of causal relationship; the Board finds that appellant has not met his burden of proof.

The September 23, 1996 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
June 24, 1999

¹ *Dennis E. Twardzik*, 34 ECAB 536 (1983); *Max Grossman*, 8 ECAB 508 (1956); 20 C.F.R. § 10.121(a).

² *E.g.*, *Lillian M. Jones*, 34 ECAB 379 (1982).

³ *Kenneth J. Deerman*, 34 ECAB 641, 645 (1983) and cases cited therein at note 1.

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member