

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DARREL D. DECOTEAU and DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS, Flandreau, S.D.

*Docket No. 97-1356; Submitted on the Record;
Issued March 17, 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 that he sustained a recurrence of disability causally related to his March 24, 1995 employment injury.

The Board has duly reviewed the case record and finds that appellant has failed to establish that he sustained a recurrence of disability causally related to his March 24, 1995 employment injury.

On March 27, 1995 appellant, then a 48-year-old maintenance carpenter, filed a notice of traumatic injury and claim for continuation of pay/compensation (Form CA-1) stating that on March 24, 1995 he cut the top of his hand and pulled his muscle in his left leg while in the performance of his duties. The Office of Workers' Compensation Programs accepted appellant's claim for the conditions of an abrasion to the right hand and a left knee sprain.

On September 16, 1996 appellant filed a claim for recurrence (Form CA-2a) indicating that his condition has never resolved.

By letter dated October 25, 1996, the Office requested additional information from appellant in reply to his claim of recurrence. A statement from appellant and copies of his medical records was received. Appellant failed to submit the necessary medical narrative in support of his claim.

By decision dated December 3, 1996, the Office rejected appellant's recurrence claim on the basis that the medical evidence of record failed to explain how appellant's current condition was related to his original work injury.

By letter dated December 19, 1996, appellant requested reconsideration. Submitted with the request were December 10, November 4, October 16 and September 30, 1996 treatment notes from Dr. Gail Benson, a Board-certified orthopedist. Dr. Benson provided a history that appellant injured his back while lifting an intoxicated student at his place of employment in

March 1995. Dr. Benson sent appellant for a computerized tomography scan of the lumbar spine which indicated no disc herniations. Dr. Benson stated that appellant has increased symptoms in his back and leg whenever he performs heavy labor. She prescribed epidural blocks and diagnosed a chemical sciatica. In her December 10, 1996 treatment note, Dr. Benson stated that appellant had satisfactory range of motion of his lumbar spine, negative straight leg raising tests, and no neurologic deficits. She opined that appellant has some residual sciatica from a leaking lumbar disc. Dr. Benson advised that this was not a serious problem, but advised appellant to restrict his lifting activities to under 30 pounds and to refrain from repetitive/excessive bending or twisting.

In a December 13, 1996 medical report, Dr. Thomas P. Chisholm, a Board-certified general surgeon and appellant's primary physician, advised that appellant was originally injured at his place of employment when he tried to settle a dispute between some students and the staff, he injured his chest, back and left knee. He first examined appellant on March 17, 1995. Examination at that time failed to disclose any nerve compression, deep tender reflexes were normal and equal and straight leg raising was positive on the left side with appellant complaining of pain in his left thigh. Dr. Chisholm went on to indicate that he examined appellant again in September 1995 and July 15, 1996, each time appellant complained of the same symptoms. Dr. Chisholm advised that he referred appellant to Dr. Benson for further examination. He opined that appellant was suffering from a chemical sciatica and muscle spasm of his left posterior thigh. Dr. Chisholm stated that his current diagnosis was based upon Dr. Benson's examination. He stated that both of these problems are probably related to the original injury of March 1995.

By decision dated January 7, 1997, the Office, after performing a merit review, denied modification of the December 3, 1996 decision finding that the evidence of record was not sufficient to meet appellant's burden of proof in establishing that he sustained a recurrence of disability causally related to his accepted employment conditions.

Under the Federal Employees' Compensation Act,¹ an employee who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the recurrence of the disabling condition for which compensation is sought is causally related to the accepted employment injury.² As part of this burden, the employee must submit rationalized medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the current disabling condition is causally related to the accepted employment-related condition,³ and supports that conclusion with sound medical reasoning.⁴

¹ 5 U.S.C. §§ 8101-8193.

² *Dennis J. Lasanen*, 43 ECAB 549, 550 (1992).

³ *Kevin J. McGrath*, 42 ECAB 109, 116 (1990).

⁴ *Lourdes Davila*, 45 ECAB 139, 142 (1993).

Thus, the medical evidence must demonstrate that the claimed recurrence was caused, precipitated, accelerated, or aggravated by the accepted injury.⁵ In this regard, medical evidence of bridging symptoms between the recurrence and the accepted injury must support the physician's conclusion of a causal relationship.⁶

Review of the medical evidence of record, indicates that the case was only accepted for an abrasion to the right hand and a left knee strain. Appellant never mentioned a back problem until April 13, 1995, when he complained of SI tenderness following scooping snow and moving some pallets around. As Dr. Benson failed to provide an opinion as to how and why appellant's current back condition was related to his injury of March 24, 1995, his report is not probative to establish appellant's recurrence claim. Although Dr. Chisholm opined that appellant's current condition was probably related to the original injury, he failed to provide any medical rationale to explain how such a back condition could have developed from an abrasion to the right hand and a left knee strain. Thus, appellant has failed to meet his burden of proof to establish that he sustained a recurrence of disability causally related to his injury of March 24, 1995.

The decisions of the Office of Workers' Compensation Programs dated January 7, 1997 and December 3, 1996 are affirmed.

Dated, Washington, D.C.
March 17, 1999

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.2 (June 1995).

⁶ *Leslie S. Pope*, 37 ECAB 798, 802 (1986); cf. *Richard McBride*, 37 ECAB 748, 753 (1986).