

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHATTIE N. ROGERS-CARTER and DEPARTMENT OF VETERANS
AFFAIRS, JACKSON VETERANS ADMINISTRATION MEDICAL CENTER,
Jackson, Miss.

*Docket No. 97-1568; Submitted on the Record;
Issued March 3, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant met her burden of proof in establishing that she sustained a recurrence of disability causally related to the October 25, 1992 employment injury.

The Office of Workers' Compensation Programs accepted appellant's claim for a lumbar strain. Appellant's treating physician, Dr. Paul E. Sheffield, a Board-certified family practitioner, stated that appellant was totally disabled from October 25 through November 27, 1992 and partially disabled from November 27, 1992 until February 1995 when he released appellant to full duty although he noted that appellant continued to have lower back pain and had to restrict her heavy lifting, pushing and pulling. On June 6, 1995 she filed a claim for a recurrence of disability, Form CA-2A, causally related to the October 25, 1992 employment injury. Appellant stated that she continued to have muscle spasm since the 1992 injury, that she had continued to work despite the spasms and the pain, and had periodically sought medical attention for her condition. By letter dated July 19, 1995, the Office requested additional information from appellant. She submitted Dr. Sheffield's July 27, 1995 attending physician's report, Form CA-20, in which Dr. Sheffield diagnosed lumbar spine and mild spondylosis of L5 and checked the "yes" box that the condition was caused or aggravated by an employment activity, referring to the October 25, 1992 employment injury. He also stated that appellant had persistent lumbar spasm and recurrent back pain exacerbated by repetitive activities at work. Dr. Sheffield indicated that the effects of appellant's injury were permanent.

By decision dated October 30, 1995, the Office denied the claim, stating that the evidence of record failed to establish that the claimed medical condition or disability was causally related to the October 25, 1992 employment injury.

By letter dated November 15, 1995, appellant requested reconsideration of the Office's decision and submitted medical records dated from May 23, 1991 through May 30, 1995 and

progress notes dated from May 24 through September 18, 1995 showing that she was treated for back pain in 1992, 1993 and 1995.

By decision dated August 19, 1996, the Office denied appellant's reconsideration request.

By letter dated November 12, 1996, appellant requested reconsideration of the Office's decision and submitted a report from Dr. Sheffield dated November 8, 1996. In his report, Dr. Sheffield noted that since the October 25, 1992 employment injury, appellant was in a motor vehicle accident in April 1994 and suffered another bout of severe back pain in June 1995 when she performed National Guard duty. He also noted that since the delivery of her child around June 1, 1996 she had returned to full-time work where she was not required to do heavy lifting and occasionally complained of "dyesthesias" of the left lower extremities and of the sacroiliac joints. Dr. Sheffield stated that appellant may have had some scoliosis which predated the October 25, 1992 employment injury but, based on x-rays and a magnetic resonance imaging (MRI) scan, she had spondylosis and possible disc disease. He stated that while appellant had two or three incidents since the 1992 employment injury which worsened her condition, appellant had never returned to the base line level of functioning and comfort that she enjoyed prior to the 1992 injury. Dr. Sheffield opined that appellant continued to have some form and degree of disability from the October 25, 1992 employment injury to the present.

By decision dated January 31, 1997, the Office denied appellant's reconsideration request.

Appellant has the burden of establishing by reliable, probative and substantial evidence that the recurrence of a disabling condition for which she seeks compensation was causally related to her employment 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 the present case, the medical evidence appellant submitted does not contain sufficient medical rationale to establish that her alleged recurrence of disability is causally related to the October 25, 1992 employment injury. Dr. Sheffield's November 8, 1996 report in which the physician stated that, despite two or three nonwork-related incidents since the 1992 employment injury, appellant had not returned to her degree of health since that injury and continued to be disabled is not sufficiently rationalized to establish the requisite causation. His opinion is too general and conclusory in stating there is a causal connection and he does not adequately explain the impact of the nonwork-related incidents on appellant's back condition.³ Further, Dr. Sheffield's July 27, 1995 attending physician's report which checked the "yes" box, indicating that appellant's back condition is work related, did not address sufficient specific recurrence and referred to appellant's October 25, 1992 employment injury, stating that appellant

¹ *Dominic M. DeScala*, 37 ECAB 369 (1986).

² *Louise G. Malloy*, 45 ECAB 613, 617 (1994).

³ *See Robert P. Bourgeois*, 45 ECAB 745, 748-50 (1994); *Louise G. Malloy*, *supra* note 2 at 617.

had persistent lumbar sprain and recurrent back pain exacerbated by repetitive activities at work. His report does not contain sufficient medical rationale explaining the causal connection between appellant's October 25, 1992 employment injury and the alleged recurrence of disability. The medical records appellant submitted dated from May 23, 1991 through September 18, 1995 also do not contain the requisite medical rationale. Although the Office provided appellant with the opportunity, she failed to submit the requisite medical evidence for establishing that her alleged recurrence of disability is causally related to the October 25, 1992 employment injury.

The decisions of the Office of Workers' Compensation Programs dated January 31, 1997 and August 19, 1996 are hereby affirmed.

Dated, Washington, D.C.
March 3, 1999

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member