

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JEFFREY TAYLOR and DEPARTMENT OF THE TREASURY,  
INTERNAL REVENUE SERVICE, Ogden, Utah

*Docket No. 97-2376; Submitted on the Record;  
Issued May 11, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant has established a recurrence of disability commencing February 8, 1995 causally related to a September 1986 employment injury.

On July 22, 1987 appellant filed a claim alleging that in September 1986 he injured his neck and shoulder when he attempted to open a locked door using his shoulder.<sup>1</sup> The Office of Workers' Compensation Programs accepted the claim for neck and right shoulder strains.

On March 30, 1995 appellant filed a notice of recurrence of disability commencing February 8, 1995. By decision dated September 20, 1995, the Office denied the claim for a recurrence of disability. In a decision dated December 19, 1995, the Office determined that appellant's request for reconsideration was not sufficient to warrant merit review of the claim.

The Board has reviewed the record and finds that appellant has not established a recurrence of disability commencing February 8, 1995.

A person 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 disability for which he claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish 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 supports that conclusion with sound medical reasoning.<sup>2</sup>

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<sup>1</sup> The claim form did not identify a specific date in September 1986.

<sup>2</sup> *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).

In the present case, appellant submitted a report dated March 7, 1995 from Dr. L. Michael Janeway, an orthopedic surgeon who stated that appellant was first seen on August 5, 1987 after he had sustained a shoulder and neck injury “running into a locked door at work.” Dr. Janeway provided a history of appellant’s treatment and indicated that on February 8, 1995 appellant reported significant increase in neck pain, occipital headache, and right arm pain and numbness. He indicated that a magnetic resonance imaging scan on February 23, 1995 revealed hypertrophic ossific changes at C5-6 and C6-7 on the right and to a lesser extent on the left. Dr. Janeway concluded “the present problem with the cervical spine is a progression of pathology that occurred in the work-related injury of 1987.”

The Board notes that the only accepted conditions in this case were neck and right shoulder strains. If appellant is claiming that a new condition caused disability for work on or after February 8, 1995, he must first establish that the diagnosed condition was causally related to the employment injury, and then he must establish a period of disability caused by the injury in order to be entitled to compensation for wage loss. In the March 7, 1995 report, Dr. Janeway indicates that appellant had hypertrophic ossific changes in the cervical spine, and that appellant’s present problem was a progression of pathology that occurred in a prior work-related injury. He does not, however, provide medical rationale for that statement. It is well established that medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee’s burden of proof.<sup>3</sup> Dr. Janeway does not provide a complete and accurate history of injury, and the history of intermittent treatment does not itself provide a medical explanation of how appellant’s condition on or after February 8, 1995 was causally related to appellant’s federal employment.<sup>4</sup>

In a report (Form CA-20a) dated February 10, 1995, Dr. Janeway diagnosed a cervical spine pathology and checked a box “yes” that the condition was causally related to employment. The checking of a box “yes” in a form report, without additional explanation or rationale, is not sufficient to establish causal relationship.<sup>5</sup> The remaining medical evidence consists primarily of treatment notes that do not discuss the relevant issues.

In the absence of a reasoned medical opinion, based on a complete and accurate background, the Board finds that appellant has not met his burden in established an employment-related disability on or after February 8, 1995.

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<sup>3</sup> *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

<sup>4</sup> *See, e.g., Frederick Justiniano*, 45 ECAB 491(1994) (a physician’s report providing an extensive review of the claimant’s medical history was of little probative value without medical rationale to support the stated opinion).

<sup>5</sup> *See Barbara J. Williams*, 40 ECAB 649, 656 (1989).

The decisions of the Office of Workers' Compensation Programs dated December 19 and September 20, 1995 are affirmed.

Dated, Washington, D.C.  
May 11, 1999

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member