

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLARD McKENNON and DEPARTMENT OF DEFENSE,
SUPPLY LOGISTIC AGENCY, Philadelphia, PA

*Docket No. 98-1527; Submitted on the Record;
Issued November 24, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant has met his burden of proof in establishing that he sustained a recurrence of disability on or after October 1997 causally related to his January 15, 1986 employment injury.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet his burden of proof.

Appellant, a construction inspector, filed a claim alleging that on January 15, 1986 he injured his left arm in the performance of duty. The Office of Workers' Compensation Programs accepted appellant's claim for sprained left wrist and fracture left navicular. The Office authorized surgery and granted appellant a schedule award for 60 percent impairment of his left upper extremity on September 8, 1989. Appellant alleged in October 1997 that he sustained a recurrence of disability causally related to his accepted employment injury. By decision dated February 10, 1998, the Office denied appellant's claim for recurrence of disability.

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 October 1997 and his January 15, 1986 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 support of his claim for recurrence, appellant alleged that after his wrist surgery, his elbow became painful. He stated that his physician suggested that he was leaning on his elbow excessively. However, appellant denied this cause.

¹ *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

² *See Nicolea Brusco*, 33 ECAB 1138, 1140 (1982).

In a report dated September 12, 1994, Dr. Elliot L. Ames, an osteopath, noted appellant had developed pain over the point of his left elbow in the region of the olecranon. He stated, "This is possibly related to leaning on his elbow at work." Dr. Ames noted subluxation of the left ulnar nerve at the elbow and tenderness in the left olecranon. He noted that x-rays demonstrated a small olecranon spur. Dr. Ames did not offer any opinion on the causal relationship between appellant's olecranon spur and his accepted employment injuries.

Dr. Ames completed a report on November 21, 1997 and diagnosed ulnar neuritis, left elbow. He noted appellant's complaints of intermittent pain in the left wrist and numbness in the left ring and small fingers. He found mild tenderness in the left anatomical snuffbox and subluxation of the left ulnar nerve at the elbow. Dr. Ames stated that elbow flexion was positive localizing to the left ring and small fingers. He did not provide an opinion on the causal relationship between appellant's diagnosed condition and his accepted employment injury.

By letter dated December 30, 1997, the Office informed appellant of the deficiencies in his claim and requested additional information including a narrative medical report with an opinion as to the causal relationship between appellant's current condition and his original injury. Appellant failed to submit any additional medical evidence. The record does not contain any medical opinion evidence regarding the relationship between appellant's current condition and his accepted employment injury. Appellant has therefore failed to meet his burden of proof of establishing a recurrence of disability causally related to his accepted January 15, 1986 employment injury.

The decision of the Office of Workers' Compensation Programs dated February 10, 1998 is hereby affirmed.

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

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member