

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of HOWARD BARKSDALE and U.S. POSTAL SERVICE,  
GENERAL MAIL FACILITY, Cleveland, OH

*Docket No. 97-2904; Submitted on the Record;  
Issued October 14, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof to establish that he sustained a recurrence of disability on or after December 10, 1996 causally related to his February 7, 1984 employment injury.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to meet his burden of proof to establish that he sustained a recurrence of disability on or after December 10, 1996 causally related to his February 7, 1984 employment injury

On February 7, 1984 appellant, then a 32-year-old part-time flexible letter carrier, filed a traumatic injury claim (Form CA-1) alleging that on that day, while in the performance of his duties, he slipped and fell on an icy sidewalk injuring his left elbow, back and the base of his spine. He stopped work on February 7, 1984. Appellant returned to limited light-duty work four hours per day on March 28, 1984. Since his return to work appellant has worked intermittently and has varied the number of hours worked per day but has always remained on light duty.

On March 30, 1984 the Office of Workers' Compensation Programs accepted appellant's claim for acute lumbosacral sprain, contusion of the left elbow and coccygodnyia or pain in the coccyx and neighboring region.<sup>1</sup>

On December 10, 1996 appellant filed a claim (Form CA-2a) alleging that he sustained a recurrence of disability on that date characterized by extreme soreness of the tailbone. He further stated that he has experienced pain in his tailbone every day since the original 1984 injury. Appellant stopped work on December 10, 1996 and has not returned.

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<sup>1</sup> DORLAND'S ILLUSTRATED Medical Dictionary 352 (27th ed. 1988).

By decision dated January 23, 1997, the Office found the evidence of record insufficient to establish that appellant sustained a recurrence of disability on or after December 10, 1996 causally related to the February 7, 1984 employment injury.

In a letter dated January 29, 1997, appellant, through his counsel, requested an oral hearing before an Office representative.

By decision dated July 22, 1997, the Office hearing representative found that appellant had failed to establish, by the weight of the medical evidence, that he sustained a recurrence of disability on December 10, 1996 causally related to his February 7, 1984 employment injury and, therefore, affirmed the Office's January 23, 1997 decision.

An employee returning to light duty, or whose medical evidence shows the ability to perform light duty, has the burden of proof to establish a recurrence of temporary total disability by the weight of substantial, reliable and probative evidence and to show that he or she cannot perform the light duty.<sup>2</sup> As part of his burden, the employee must show a change in the nature and extent of the injury-related conditions or a change in the nature and extent of the light-duty requirements.<sup>3</sup>

In the present case, appellant has neither shown a change in the nature and extent of his injury-related condition or a change in the nature and extent of the light-duty requirements. The record shows that following the February 7, 1984 employment-related injury, on March 28, 1984 appellant returned to work in a light-duty capacity with certain work restrictions. The record does not establish, nor does appellant allege, that the claimed recurrence of total disability was caused by a change in the nature or extent of the light-duty job requirements.

The medical evidence of record is insufficient to establish that appellant was disabled from his light-duty position due to a change in the nature or extent of his accepted February 7, 1984 employment-related lumbosacral sprain, left elbow contusion or coccygodynia. In the present case, appellant has not submitted any medical evidence which establishes that his claimed condition after December 10, 1996 was causally related to any of his accepted employment injuries. The only relevant medical evidence pertaining to appellant's alleged December 10, 1996 recurrence of disability is a December 13, 1996 report by Dr. Satish Mahna, a general practitioner in the employing establishment Medical Clinic in Cleveland, Ohio. In his report, Dr. Mahna stated that he first saw appellant on December 10, 1996 when he presented complaining of pain in the tailbone area. Dr. Mahna related the history of appellant's employment injuries and noted appellant's history of treatment as recounted to him by appellant.

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<sup>2</sup> *Terry R. Hedman*, 38 ECAB 222, 227 (1986).

<sup>3</sup> *Id.*

Following his physical examination, the physician diagnosed “coccygeal pain of unknown etiology.” Dr. Mahna concluded:

“To sum it up, [appellant] was basically seen for complaints of coccygeal area pain which he relates to an injury in 1984. Within a reasonable degree of medical probability and certainty, I am of the opinion that his present coccygeal pain is causally unrelated to the injury of 1984. Nontraumatic causes need to be considered. Various possible causes of the pain were discussed. I advised him to see his own physician for a rectal and genital examination. He was also advised to discuss about the possibility of a bone scan with his family physician. In any case, he was advised to see his physician as soon as possible. He was put on restricted duty (for the purpose of comfort).”

At the hearing, appellant testified that he wished to submit additional medical evidence from his treating physician, a Dr. Goren, and the record was held open to allow for the submission of his report. Appellant failed to submit, however, any additional evidence in support of his claim. While the medical evidence from Dr. Mahna lends support to a finding that appellant has pain in the coccygeal region, appellant himself stated that he has had this pain since his original injury and there is no evidence to support that appellant’s pain worsened to the point where it became totally disabled. As appellant has failed to establish that he had a change in the nature or extent of his modified duties or a change in the nature or extent of his employment injury, which caused his claimed recurrence of total disability, the Board finds that he has failed to discharge his burden of proof.

The July 22, 1997 decision of the Office of Workers’ Compensation Programs is hereby affirmed.

Dated, Washington, D.C.  
October 14, 1999

George E. Rivers  
Member

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member