

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBERT B. PORPER, JR. and U.S. POSTAL SERVICE,
POST OFFICE, Gloucester, MA

*Docket No. 98-1274; Submitted on the Record;
Issued October 27, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that he sustained a recurrence of disability on or about May 12, 1997, causally related to his January 28, 1987 employment injury.

The Board has given careful consideration to the issue involved, the contentions of appellant on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated and finalized on February 12, 1998, is in accordance with the facts and the law in this case, and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ Where appellant claims a recurrence of disability due to an accepted employment-related injury, he has the burden of establishing by the weight of reliable, probative and substantial evidence that the recurrence of disability is causally related to the original injury. *Robert H. St. Onge*, 43 ECAB 1169 (1992). This burden includes the necessity of furnishing evidence from a qualified physician who concludes, on the basis of a complete and accurate factual and medical history, that the condition is causally related to the employment injury. 20 C.F.R. § 10.121(b).

The decision of the Office of Workers' Compensation Programs dated February 12, 1998 is hereby affirmed.²

Dated, Washington, D.C.
October 27, 1999

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

² The record on appeal includes evidence that was not submitted to the Office prior to the issuance of its February 12, 1998. Inasmuch as the Board's review is limited to the evidence of record that was before the Office at the time of its final decision, the Board cannot consider appellant's newly submitted evidence. 20 C.F.R. § 501.2(c).