

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JEANETTE E. WRIGHT and DEPARTMENT OF DEFENSE,  
DEFENSE NUCLEAR AGENCY, Alexandria, VA

*Docket No. 98-1878; Submitted on the Record;  
Issued January 5, 2000*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant sustained a recurrence of disability as of February 10, 1997 causally related to her accepted February 13, 1996 lower back injury.

On February 13, 1996 appellant, a 47-year-old visual information specialist, injured her lower back, shoulders and neck when the helicopter, in which she was a passenger auto-rotated and made a hard landing. Appellant subsequently experienced post-traumatic stress as a result of this accident. Appellant filed a claim for benefits on February 20, 1996, which the Office of Workers' Compensation Programs accepted for lumbar and cervical strain and post-traumatic stress.

On February 26, 1997 appellant, filed a Form CA-2a claim for recurrence of disability, alleging that on February 10, 1997 she experienced aggravation of her lower back condition when she awakened with muscle spasms and pain in her back, neck and shoulders and also experienced panic attacks. Appellant alleged that this recurrence had been caused or aggravated by her February 13, 1996 employment injury.

By letter dated June 23, 1997, the Office advised appellant that it required additional medical evidence, including a medical report, to support her claim that her current condition/or disability as of February 10, 1997 was caused or aggravated by her accepted February 13, 1996 employment injury. The Office also requested that appellant submit a factual statement explaining the circumstances of her alleged recurrence.

In response, appellant submitted a February 13, 1997 report from Dr. Michael B. Halle, Board-certified in internal medicine, who treated appellant for her February 13, 1996 work injury. With regard to whether there was a relationship between that injury and the alleged recurrence of February 10, 1997, Dr. Halle stated that "[a]ny kind of injury involving soft tissue may recur at a later date in the same area. It may be an accident sets off an event which then may be repeated."

By decision dated March 16, 1998, the Office denied appellant compensation for a recurrence of her accepted conditions. The Office found that appellant failed to submit medical evidence sufficient to establish that the claimed conditions or disability were caused or aggravated by the February 13, 1996 employment injury.

The Board finds that appellant has not sustained a recurrence of disability as of February 10, 1997 causally related to the February 13, 1996 employment injury.

An individual who claims a recurrence of disability resulting from an accepted employment injury has the burden of establishing that the disability is related to the accepted injury. This burden requires 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 the employment injury and who supports that conclusion with sound medical reasoning.<sup>1</sup>

The record contains no such medical opinion. Indeed, appellant has failed to submit any medical opinion containing a rationalized, probative report which relates her disability for work as of February 10, 1997 to her February 13, 1996 employment injury. For this reason, she has not discharged her burden of proof to establish her claim that she sustained a recurrence of disability as a result of her accepted employment injury.

The only medical evidence which appellant submitted consisted of Dr. Halle's February 13, 1998 report, which generally described appellant's complaints of back, neck, and shoulder pain and indicated the results from diagnostic tests, but did not provide a rationalized, probative medical opinion indicating that her current condition was caused or aggravated by the accepted February 13, 1996 employment injury.<sup>2</sup>

Dr. Halle's opinion on causal relationship is of limited probative value in that he did not provide adequate medical rationale in support of his conclusions.<sup>3</sup> Although Dr. Halle generally stated that appellant had sustained a reinjury or recurrence of her accepted February 13, 1996 employment injury, he did not explain the process through which appellant's current conditions as of February 10, 1997 were caused or aggravated by the work injury. Moreover, Dr. Halle opinion is of limited probative value for the further reason that it is generalized in nature and equivocal in that he only stated that it was possible for any type of soft tissue injury to recur in the same area and that it "may" be an accident which triggers the recurring event.

As there is no medical evidence addressing and explaining why the claimed condition and disability as of February 10, 1997 was caused or aggravated by her February 13, 1996 employment injury, appellant has not met her burden of proof in establishing that she sustained a recurrence of disability.

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<sup>1</sup> *Dennis E. Twardzik*, 34 ECAB 536 (1983); *Max Grossman*, 8 ECAB 508 (1956); 20 C.F.R. § 10.121(a).

<sup>2</sup> *William C. Thomas*, 45 ECAB 591 (1994).

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

The March 16, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.  
January 5, 2000

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member