

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JEANEAN M. FEARS and U.S. POSTAL SERVICE,
POST OFFICE, Atlanta, GA

*Docket No. 98-2068; Submitted on the Record;
Issued June 12, 2000*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she sustained a recurrence of disability on or after June 5, 1997.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet her burden of proof in establishing a recurrence of disability on or after June 5, 1997.

On October 28, 1988 appellant, a mail carrier, filed a claim alleging that she injured her low back pulling two bags of mail. The Office of Workers' Compensation Programs accepted appellant's claim for low back strain.¹ Appellant returned to limited-duty work on November 16, 1988. By decision dated June 27, 1996, the Office denied appellant's claim for total disability from October 9 to October 23, 1995. Appellant accepted a light-duty position on January 29, 1997 working eight hours a day. Beginning February 12, 1997 appellant utilized family emergency leave. On March 16, 1998 appellant filed a notice of recurrence of disability alleging on June 5, 1997 she sustained a recurrence of disability causally related to her accepted October 28, 1988 employment injury. The employing establishment noted that appellant had not returned to work from February 12 through June 5, 1997. By decision dated May 28, 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 her recurrence of disability commencing June 5, 1997 and her October 28, 1988 employment injury.² This burden includes the necessity of furnishing medical evidence from a physician who, on the basis of a complete and accurate

¹ By decision dated October 25, 1996, the Board affirmed the April 5, 1994 Office decision denying appellant's claim for a schedule award. Docket No. 94-1865.

² *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

factual and medical history, concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.³

In support of her claim for recurrence, appellant stated that she experienced severe sharp pain in her low back. She stated that at times it was difficult to get out of bed. Appellant stated that she was involved in a nonemployment-related motor vehicle accident on October 6, 1995, which aggravated her original employment injury. In a statement dated April 23, 1998, appellant asserted that she experienced a spontaneous return of symptoms with no intervening injuries and that the motor vehicle accident aggravated and worsened her employment injury.

Appellant submitted several medical reports from Dr. Jimmy Graham, a Board-certified family practitioner. He completed a duty status form report on April 18, 1997 and diagnosed lumbar disc disease finding that appellant was totally disabled. On June 24, 1997 Dr. Graham completed a similar form report and found that appellant could work four hours a day. He repeated this finding on August 18, September 29, October 24 and December 2, 1997. On March 20, 1998 Dr. Graham found desiccation and degeneration with lateral bulging L4-5 and L5-S1 disc and diagnosed lumbar disc disease. He indicated that appellant was totally disabled. In a duty status report dated April 30, 1998, Dr. Graham repeated these findings.

These form reports are insufficient to meet appellant's burden of proof as Dr. Graham has not provided a history of injury and an opinion on the causal relationship between appellant's diagnosed condition and disability and her accepted 1988 employment injury.

On March 26, 1998 Dr. Graham completed an attending physician's form report and diagnosed lumbar degenerative disease and lumbar sprain. He indicated with a checkmark "yes" that appellant's condition was due to the employment injury. The Board has held that an opinion on causal relationship, which consists only of a physician checking "yes" to a medical form report question on whether the claimant's condition was related to the history given is of little probative value. Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.⁴ As Dr. Graham did not provide any medical reasoning to support his conclusion that appellant's condition was employment related, he failed to supply the necessary medical rationale to meet appellant's burden of proof. Appellant failed to provide a medical opinion based on a proper factual background and complete with medical reasoning explaining why and how her current condition and disability is causally related to her accepted employment injury and she, therefore, failed to meet her burden of proof.

³ See *Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

⁴ *Lucrecia M. Nielson*, 41 ECAB 583, 594 (1991).

The May 28, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
June 12, 2000

David S. Gerson
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member