

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ODEAN P. LAWRENCE and U.S. POSTAL SERVICE,
POST OFFICE, Tujunga, CA

*Docket No. 99-998; Submitted on the Record;
Issued June 8, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant met his burden to establish that his claimed condition or disability from December 11, 1997 through February 10, 1998 was caused or aggravated by his accepted December 30, 1995 left groin injury.

On December 30, 1995 appellant, a 30-year-old letter carrier, injured his left groin while lifting a tray of mail. He filed a claim for benefits on January 3, 1996, which the Office of Workers' Compensation Programs accepted for pyriformis muscle strain. The Office paid appellant compensation for appropriate periods and appellant ultimately returned to work on light duty.

On January 9, 1998 appellant requested compensation for loss of wages from December 11, 1997 through February 10, 1998. In support of his claim, appellant submitted an undated Form CA-20 from Dr. Charles Williams, a Board-certified surgeon, a January 7, 1998 duty status report form from Dr. Williams and injury certification forms from Kaiser Permanente dated December 2 and 9, 1997, which state that appellant was unable to work from November 11, 1997 through February 10, 1998. In the Form CA-20, Dr. Williams stated appellant's history of injury, diagnosed orchialgia and indicated that appellant was totally disabled from November 27, 1997 through May 9, 1998. The duty status report completed by Dr. Williams indicates that appellant was examined on November 17, 1997, reiterates that appellant was disabled until May 9, 1998 and imposes physical restrictions on certain work activities.

By letter dated April 9, 1998, the Office advised appellant that it required additional medical evidence, including a medical report, to support his claim that his current condition or disability was causally related to his accepted December 30, 1995 employment injury. The Office also requested that appellant submit a factual statement explaining the circumstances of his alleged recurrence and specifically asked appellant to provide evidence supporting the fact that there had been a change in the requirements of his light-duty job or a change in his physical

condition. The Office further requested that appellant complete and return a Form CA-2a, which accompanied the Office's letter. The Office stated that appellant had 30 days in which to submit the requested information. Appellant did not respond to the request within 30 days.

By decision dated December 18, 1998, the Office denied appellant's claim for recurrence of disability, finding that he failed to submit medical evidence sufficient to establish that his current left groin condition was caused or aggravated by the December 30, 1995 employment injury.

The Board finds that appellant has not met his burden to establish that his claimed condition or disability from December 11, 1997 through February 10, 1998 was caused or aggravated by his accepted December 30, 1995 left groin injury.

When an employee, who is disabled from the job he held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence of record establishes that he can perform the light-duty position, the employee has the burden to establish by the weight of the reliable, probative and substantial evidence a recurrence of total disability and show that he cannot perform such light duty. As part of this burden, the employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty job requirements.¹

In the instant case, the record does not contain any medical opinion showing a change in the nature and extent of appellant's injury-related condition. Indeed, appellant has failed to submit any medical opinion containing a rationalized, probative report, which relates his condition or disability as of December 11, 1997 to his employment injury. For this reason, he has not discharged his burden of proof to establish his claim that he sustained a recurrence of disability as a result of his accepted employment injury.

The only medical evidence which appellant submitted consisted of the undated Form CA-20 and January 7, 1998 duty status report form from Dr. Williams. These forms provided a history of injury, a diagnosis of the condition, indicated that appellant was totally disabled from November 27, 1997 through May 9, 1998 and imposed physical restrictions on certain work activities, but did not constitute a probative, rationalized medical opinion sufficient to establish that appellant's condition and disability as of December 11, 1997 was causally related to his December 30, 1995 employment injury.

Dr. Williams' report does not constitute sufficient medical evidence demonstrating a causal connection between appellant's employment injury and his alleged left groin condition and disability. Causal relationship must be established by rationalized medical opinion evidence. Dr. Williams' opinion on causal relationship is of limited probative value in that he did not provide adequate medical rationale in support of his conclusions.² His form reports fail to provide an explanation in support of his opinion that appellant was totally disabled from December 11, 1997 through May 9, 1998. Thus, Dr. Williams' reports did not establish a

¹ *Terry R. Hedman*, 38 ECAB 222, 227 (1986).

² *William C. Thomas*, 45 ECAB 591 (1994).

worsening of appellant's condition and, therefore, did not constitute a probative, rationalized opinion demonstrating that a change occurred in the nature and extent of the injury-related condition.³

In addition, the Board finds that the evidence fails to establish that there was a change in the nature and extent of appellant's limited-duty assignment such that he no longer was physically able to perform the requirements of his light-duty job. The record demonstrates that appellant returned to work on a limited, part-time basis following his December 30, 1995 work injury and a statement of accepted facts dated October 8, 1997 indicated appellant was still restricted to limited duty as of that date. Appellant's January 9, 1998 Form CA-7 stated that he stopped working on November 17, 1997 but did not indicate the reason for this work stoppage. In addition, appellant declined the employing establishment's March 13, 1998 offer of a limited-duty job on March 18, 1998, purportedly based on his doctor's recommendation. Appellant has submitted no additional factual evidence to support a claim that a change occurred in the nature and extent of his limited-duty assignment during the period claimed. Accordingly, as appellant has not submitted any factual or medical evidence supporting his claim that he was totally disabled from performing his light-duty assignment from December 11, 1997 through February 10, 1998 as a result of his employment, appellant failed to meet his burden of proof.

As there is no medical evidence addressing and explaining why the claimed condition and disability as of December 11, 1997 was caused or aggravated by his employment injury, appellant has not met his burden of proof in establishing that he sustained a recurrence of disability. The Board, therefore, affirms the Office's decision denying benefits based on a recurrence of his work-related disability.

³ The record also contains a second opinion report from Dr. Martin K. Gelbard, a Board-certified urologist, who examined appellant on November 21, 1997. Dr. Gelbard concluded based on this examination that appellant had chronic epididymitis, which was "medically connected" to the December 30, 1995 employment injury and imposed work restrictions. The Office did not consider this opinion, which has no probative value in this case because the diagnosed condition of chronic epididymitis was not accepted by the Office and because Dr. Gelbard's examination took place on November 21, 1997, three weeks prior to the period for which appellant claimed compensation. In addition, Dr. Gelbard provided no medical rationale in support of his conclusions.

The decision of the Office of Workers' Compensation Programs dated December 18, 1998 is hereby affirmed.

Dated, Washington, D.C.
June 8, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member