

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARTIN CORONA and U.S. POSTAL SERVICE,
POST OFFICE, Fresno, CA

*Docket No. 99-1268; Submitted on the Record;
Issued June 16, 2000*

DECISION and ORDER

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

The issue is whether appellant has established disability during the period July 31, 1996 to April 15, 1997, causally related to his employment injury.

In the present case, appellant filed a claim alleging that he sustained an injury on July 1, 1996, when he stepped on a sprinkler head and twisted his leg. The Office of Workers' Compensation Programs accepted the claim for a right inguinal strain. Appellant returned to work on July 11, 1996. He filed a claim for compensation on account of traumatic injury or occupational disease (Form CA-7) for the period July 31, 1996 to April 15, 1997. According to the employing establishment, appellant's employment was terminated as of September 14, 1996.

By decision dated October 16, 1997, the Office determined that appellant was not entitled to compensation during the period claimed. In a decision dated December 17, 1998, an Office hearing representative affirmed the October 16, 1997 decision.

The Board has reviewed the record and finds that appellant has not established an employment-related disability during the period July 31, 1996 to April 15, 1997.

In this case the record indicates that, following his employment injury on July 1, 1996, appellant returned to work on July 11, 1996. He then claimed total disability commencing July 31, 1996. Although appellant filed a Form CA-7, to the extent that he is claiming disability causally related to his employment injury, without an intervening injury or new employment incidents, it is properly considered a claim for a recurrence of disability.¹ A person who claims a recurrence of disability due to an accepted employment-related injury has the burden of

¹ A recurrence of disability includes a work stoppage caused by a spontaneous material change in the employment-related condition without an intervening injury. If the disability results from new exposure to work factors, an appropriate new claim should be filed; *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.3 (January 1995).

establishing by the weight of the substantial, reliable, and probative evidence that the disability for which he claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish 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 supports that conclusion with sound medical reasoning.²

Appellant has not submitted probative medical evidence establishing an employment-related disability commencing July 31, 1996. The record contains a handwritten treatment note dated July 29, 1996, which reports that appellant complained of stress related to his job, and indicates that appellant reported working 60 hours a week in the heat. To the extent that appellant is claiming a mental or physical condition causally related to work factors other than the July 1, 1996 incident, this would constitute a separate claim and it is not before the Board on this appeal.³ The issue in this case is disability related to the July 1, 1996 employment injury, and the July 29, 1996 treatment note indicates only that appellant had an ankle sprain several weeks earlier, with no specific description of an employment incident or an opinion as to the disability causally related to the employment injury.

In a report dated May 8, 1997, Dr. A.W. Montana, a family practitioner, indicated that examination revealed a palpable lymph node in the inguinal area. Dr. Montana diagnosed right inguinal lymphadenopathy with no evidence of industrial injury.⁴

The Board finds no medical evidence of record that contains an accurate history of injury and a reasoned opinion establishing disability commencing July 31, 1996 causally related to the employment injury. Accordingly, appellant has not met his burden of proof and the Office properly denied the claim in this case.

² *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).

³ On appeal, appellant alleges that the employing establishment did not properly complete and forward claim forms to the Office. With respect to the claim on appeal in this case, however, the Office did receive a timely claim form and accepted a right inguinal strain causally related to a July 1, 1996 employment incident.

⁴ Dr. Montana had previously reported on July 11, 1996 that appellant had an inguinal lymph node mass that was nonindustrial in nature.

The decision of the Office of Workers' Compensation Programs dated December 17, 1998 is affirmed.

Dated, Washington, D.C.
June 16, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member