

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANTHONY F. LODOLCE and U.S. POSTAL SERVICE,
POST OFFICE, Rochester, NY

*Docket No. 98-1443; Submitted on the Record;
Issued May 11, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
DAVID S. GERSON

The issue is whether appellant has met his burden of proof in establishing that he sustained a recurrence of disability on or about August 26, 1996, causally related to his November 21, 1993 employment-related injury.

The Board has given careful consideration to the issue involved, appellant's contentions 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 February 20, 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 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 of establishing 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 employment-related condition or a change in the nature and extent of the light-duty job requirements. *Mary A. Howard*, 45 ECAB 646 (1994); *Terry R. Hedman*, 38 ECAB 222 (1986). In the instant case, appellant has failed to establish either a change in the nature and extent of his light-duty assignment or a change in the nature and extent of his accepted employment-related condition.

The decision of the Office of Workers' Compensation Programs dated February 20, 1998 is hereby affirmed.

Dated, Washington, D.C.
May 11, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

David S. Gerson
Member