

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LORI SPICKARD and U.S. POSTAL SERVICE,
POST OFFICE, Vinton, VA

*Docket No. 01-407; Submitted on the Record;
Issued August 8, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability on September 9, 1999, causally related to her accepted April 27, 1999 dog bite.

The Board has duly reviewed the case record and finds that appellant failed to establish that she sustained a recurrence of disability on September 9, 1999, causally related to her accepted April 27, 1999 dog bite.

On May 3, 1999 appellant, then a 43-year-old mail carrier, filed a traumatic injury claim for a dog bite, which the Office of Workers' Compensation Programs accepted on October 8, 1999. On September 10, 1999 she filed a claim for recurrence of disability alleging that her diagnosed plantar fasciitis was causally related to her accepted dog bite. The Office denied appellant's claim on December 10, 1999 finding that the evidence of record failed to establish a causal relationship.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an "employee of the United States" within the meaning of the Act, and that the claim was filed within the applicable time limitations of the Act.² An individual seeking disability compensation must also establish that an injury was sustained at the time, place and in the manner alleged,³ that the injury was sustained while in the performance of duty,⁴ and that the disabling condition for which compensation is claimed was caused or aggravated by the

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Robert A. Gregory*, 40 ECAB 478 (1989).

⁴ *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

individual's employment.⁵ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.⁶

An individual who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which compensation is claimed are causally related to the accepted injury. This burden includes the necessity of furnishing medical evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the accepted employment injury and supports that conclusion with sound medical reasoning.⁷

The medical evidence in support of appellant's recurrence of disability claim consists of a October 8, 1999 duty status report by Dr. William M. Mirenda, a Board-certified orthopedic surgeon. Dr. Mirenda stated that "x-rays of heel show start of calcaneal spur." He diagnosed a plantar fasciitis.

Dr. Mirenda failed to offer a rationalized medical opinion explaining how the diagnosed plantar fasciitis was causally related to appellant's dog bite. Appellant had returned to regular duty after the original injury. By letter dated October 8, 1999, the Office advised appellant of the specific type of evidence needed to support her claim, but such evidence was not submitted. Therefore, the Board finds that the evidence of record is insufficient to meet appellant's burden of proof.

⁵ *Steven R. Piper*, 39 ECAB 312 (1987).

⁶ *David J. Overfield*, 42 ECAB 718 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ *Lourdes Davila*, 45 ECAB 139 (1993); *Louis G. Malloy*, 45 ECAB 613 (1994).

The decision dated December 10, 1999 of the Office of Workers' Compensation Programs is affirmed.⁸

Dated, Washington, DC
August 8, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

⁸ Appellant submitted medical evidence with her appeal. This evidence was not previously submitted to the Office for consideration prior to its December 10, 1999 decision. The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Appellant may submit this evidence to the Office, together with a formal request for reconsideration pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606(b).