

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of RUDOLPH P. RHODES and U.S. POSTAL SERVICE,  
POST OFFICE, St. Louis, MO

*Docket No. 00-783; Submitted on the Record;  
Issued February 26, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant sustained a recurrence of disability on or about June 8, 1999 as a result of the employment injury that occurred on September 6, 1995.

On September 6, 1995 appellant, then a 44-year-old mailhandler, sustained an injury while in the performance of duty when he pushed and pulled trucks and mail containers back and forth across the workroom floor. The Office of Workers' Compensation Programs accepted his claim for left inguinal hernia and surgical repair. Appellant returned to work on November 29, 1995.

On August 31, 1999 appellant filed a claim asserting that he sustained a recurrence of disability on June 8, 1999 as a result of his September 6, 1995 employment injury. His attending physician, Dr. Laurel A. Yeager, related appellant's complaints of pain and burning on of the left side radiating into his knee. Dr. Yeager did not feel a recurrent hernia on examination and could find no reason for his complaints. Although appellant continued to complain of groin pain and burning on the left radiating into his leg, his physician remained unsure of the cause.

In a decision dated October 18, 1999, the Office denied appellant's claim of recurrence. The Office found that Dr. Yeager provided no opinion, with medical rationale, regarding the cause of appellant's continued complaints of left groin pain.

The Board finds that the medical evidence of record fails to establish that appellant sustained a recurrence of disability on or about June 8, 1999 as a result of the employment injury that occurred on September 6, 1995.

An individual who claims a recurrence of disability resulting from an accepted employment injury has the burden of establishing that the disability is related to the accepted injury. This burden requires furnishing 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 who supports that conclusion with sound medical reasoning.<sup>1</sup>

Appellant has not submitted such a medical opinion. His attending physician, Dr. Yeager, has described complaints of pain and burning on the left with radiation to the knee, but she has offered no opinion firmly identifying the cause of these complaints or explaining to a reasonable medical certainty how the condition was a result of the employment injury that occurred on September 6, 1995. Without this necessary medical opinion evidence, appellant has not met his burden of proof.

The October 18, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
February 26, 2001

Michael J. Walsh  
Chairman

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>1</sup> *Dennis E. Twardzik*, 34 ECAB 536 (1983); *Max Grossman*, 8 ECAB 508 (1956).