

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALEXANDER R. MacQUARRIE and U.S. POSTAL SERVICE,
POST OFFICE, Oklahoma City, OK

*Docket No. 00-886; Submitted on the Record;
Issued February 6, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant established a recurrence of disability on or about June 4, 1997 based on his August 15, 1993 work-related injury.

On August 17, 1993 appellant, then a 54-year-old mailhandler, filed a notice of occupational disease (Form CA-2) alleging that he sustained tendinitis, carpal tunnel syndrome of the right hand and pain in the left elbow. Appellant noted that he was initially aware of his condition and that it was caused by his employment on August 15, 1993.

By decision dated July 29, 1994, the Office of Workers' Compensation Programs accepted appellant's claim for an August 15, 1993 aggravation of bilateral de Quervain's disease.

In a claim form dated June 4, 1997 and received by the Office on February 9, 1998, appellant filed a claim for a recurrence of disability. Appellant noted that "[t]his injury condition is not a recurrence. This condition has remained/progressed since the injury date; August 15, 1993." In an attached letter dated April 15, 1997, appellant stated that the pain in both wrists "has gotten worse and I respectfully request authorization to consult a hand specialist."

In a medical report dated December 15, 1997 and received by the Office on February 11, 1998, Dr. Houshang Seradge, appellant's treating physician and a Board-certified orthopedic surgeon specializing in hand surgery, stated that appellant's "hands were essentially the same."

By letter dated February 18, 1998, the Office advised appellant that the information he had submitted was insufficient to establish that he sustained a recurrence of disability on or about June 4, 1997 as alleged. The Office requested that appellant submit medical records pertaining to his condition including copies of all treatment notes related to his de Quervain's

disease since December 1993, and his treating physician's opinion, with supporting explanation, as to the causal relationship between his current condition and the original injury.

In a medical report dated March 17, 1998, Dr. Seradge stated that x-rays taken on December 15, 1997 revealed severe arthritis at the basal joints of both thumbs, and that 1993 x-rays revealed evidence of involvement of the carpal-metacarpal joint of both thumbs. He then stated that appellant's thumb conditions were "a continuation of the same problem that he had been under treatment for by Dr. Patrick Livingston during 1993."

By decision dated July 17, 1998, the Office denied appellant's claim.

By letter dated September 2, 1998, appellant requested an oral hearing.

By decision dated October 15, 1998, the Office denied appellant's request for an oral hearing as untimely. The Office stated that additional evidence on the issue of his recurrence of disability claim could be submitted and fully considered accompanying a request for reconsideration.

By letter dated June 30, 1999, appellant requested reconsideration. In support of his request, appellant submitted a medical report dated December 16, 1998 from Dr. Seradge. In that report, Dr. Seradge stated that appellant's involvement of the carpal-metacarpal joints of both thumbs was a continuation of the condition for which he had received medical treatment from Dr. Livingston in 1993.

By merit decision dated September 29, 1999, the Office denied appellant's request for reconsideration. In an attached memorandum, the Office stated that Dr. Seradge did not explain how appellant's current condition was causally related to his original work-related injury.

The Board finds that appellant failed to meet his burden of proof in establishing that he sustained a recurrence of disability on or about June 4, 1997 causally related to the August 15, 1993 work-related injury.

A person who claims a recurrence of disability due to an accepted work-related injury has the burden of 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 work-related injury and supports that conclusion with sound medical reasoning.¹

Appellant submitted medical reports dated December 15, 1997 and March 17 and December 16, 1998 from Dr. Seradge who stated that appellant's condition was a continuation of his original injury. However, he failed to explain how appellant's condition in December 1997 and in subsequent examinations was causally related to the original condition

¹ *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).

which had been last reported in a December 13, 1993 medical report.² Dr. Seradge does not identify a continuing condition of bilateral de Quervain's disease, which the Office accepted as work related, nor does he explain how the diagnosed conditions, advanced osteoarthritic changes in the thumbs, were causally related to the original injury. There is no rationalized medical opinion linking his current condition to the accepted work-related injury. As noted above, a physician's opinion must be supported by medical reasoning.³ The Office advised appellant that additional medical evidence must be submitted to support his claim, but the subsequent medical evidence is insufficient to establish a causal relationship between appellant's work-related injury and his current condition. The Board finds that appellant has not met his burden of proof in this case.

The September 29, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.⁴

Dated, Washington, D.C.
February 6, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

² In a December 12, 1993 medical report received by the Office on February 9, 1998, Dr. Livingston, a Board-certified orthopedic surgeon and appellant's treating physician at that time, noted that he had treated appellant for the last 10 years, that he had previously performed a de Quervain's release, and that appellant was symptomatic with carpal tunnel syndrome, recurrent de Quervain's tenosynovitis and carpometacarpal arthritis.

³ See *Jose Hernandez*, 47 ECAB 288, 294 (1996) (finding that medical reports that failed to address directly the causal relationship between appellant's recurrence of disability and his work-related injuries were insufficient to meet appellant's burden of proof).

⁴ Appellant requested an oral hearing on September 2, 1998 and the Branch of Hearings and Review denied this request as untimely on October 15, 1998. As this decision was issued more than one year prior to the date of appellant's appeal to the Board on December 15, 1999, the Board lacks jurisdiction to review that decision; see 20 C.F.R. § 501.3(d)(2).