

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM M. WORKMAN and DEPARTMENT OF THE AIR FORCE,
HILL AIR FORCE BASE, UT

*Docket No. 99-2231; Submitted on the Record;
Issued February 21, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issues are: (1) whether appellant has met his burden of proof in establishing that he sustained a recurrence of disability commencing February 16, 1999 causally related to his accepted August 14, 1998 low back strain; and (2) whether leave buy back is approved as causally related to the claimant's injury of August 14, 1998.

The Board has duly reviewed the case record and finds that appellant failed to establish that he sustained a recurrence of disability.

On August 17, 1998 appellant, then a 43-year-old electronic technician, filed a traumatic injury claim for back pain which the Office of Workers' Compensation Programs accepted for low back strain. Appellant returned to work on light duty on September 7, 1998 and to full regular duty on December 18, 1998. On April 26, 1999 appellant filed a claim for a recurrence of disability commencing February 16, 1999. The Office denied appellant's claim on May 14, 1999, finding that the evidence of record failed to establish a causal relationship between the accepted condition and the alleged recurrence of disability.

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 is 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.¹

By letter dated April 1, 1999, the Office advised appellant of the evidence needed to establish his recurrence of disability claim, specifically, a detailed narrative medical report

¹ *Lourdes Davila*, 45 ECAB 139 (1993); *Louise G. Malloy*, 45 ECAB 613 (1994).

which included a physician's opinion, with supporting explanation on the causal relationship between appellant's current disability or condition and the accepted injury condition. However, such evidence was not submitted.

In an April 21, 1999 report, Dr. John R. Wood, a Board-certified family practitioner, stated that he saw appellant on November 18, 1998 when appellant related that he had injured his back on September 14, 1998 while moving a 125-pound drawer. Dr. Wood added that appellant's weight and sitting long periods of time could be detrimental. He also stated that three weeks prior to appellant's visit on November 18, 1998 appellant had reinjured his back, but continued to work.

Dr. Wood referred to an injury on September 14, 1998, but the accepted injury occurred on August 14, 1998. The physician also failed to address a causal relationship between appellant's current condition and the accepted August 14, 1998 injury, especially in view of the fact that appellant had returned to regular duty on December 18, 1998.

The Board finds that Dr. Woods' report is insufficient to meet his burden of proof. As appellant has failed to establish his recurrence of disability commencing February 16, 1999, he is not entitled to buy back leave covering February 16 through April 20, 1999.

The May 14, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
February 21, 2001

Michael J. Walsh
Chairman

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member