U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KATHLEEN SOPER and DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, Phoenix, AZ

Docket No. 00-1608; Submitted on the Record;
Issued July 13, 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 causally related to her July 22, 1997 employment injury.

On August 8, 1997 appellant, then a 48-year-old computer specialist, filed a traumatic injury claim alleging extreme back pain caused by a pinched nerve after she lifted and installed computer hardware. She stopped work on July 23, 1997 and returned to light duty on July 28, 1997.

The Office of Workers' Compensation Programs accepted the claim for subluxation at L4-5 and thoracic/lumbar dislocation noted that appellant informed the Office that she continued to receive chiropractic treatment and she asked why her case was closed.

By letter dated April 6, 1999, the Office advised appellant that, in order to reopen her claim and to authorize further medical treatment, additional medical evidence demonstrating a recurrence of her July 22, 1997 employment injury was necessary. The Office advised appellant of the type of evidence necessary to support her claim and allowed her 30 days within which to submit the requested information.

Subsequently, appellant submitted progress notes dated March 22 to August 2, 1999 from Infantino Chiropractic noting her complaints and treatment.

By letter dated January 6, 2000, appellant requested that the Office reopen her claim. She alleged that she did not receive the Office's April 6, 1999 letter requesting additional medical evidence until the Office provided her a copy of that letter in January 2000.

On January 13, 2000 appellant filed a recurrence of disability claim alleging that she sustained an "ongoing" recurrence of her July 22, 1997 employment injury. On the reverse side of the claim form, appellant's supervisor noted that following her original injury she was given a light-duty assignment and was cautioned not to lift heavy computer equipment.

To support her claim, appellant submitted a letter dated January 25, 2000 in which Anthony Infantino, a chiropractor, stated that appellant had approximately made an 80 percent recovery, however, her job caused exacerbations and irritations making a full recovery difficult. Dr. Infantino also stated that appellant returned to regular duty and that her symptoms included low back and hip pain radiating to the buttock region. He opined that her diagnosis was unchanged since her July 22, 1997 employment injury and that "the reexacerbations due to work conditions cause increased subjective and objective complexes." Dr. Infantino also stated that lifting computers could have caused appellant's present condition.

Appellant also submitted a work tolerance limitations form dated July 30, 1997, from a physician whose signature is illegible, noting her work restrictions. He restricted her from lifting, pulling/pushing, reaching or working above the shoulder, stooping, kneeling, bending, climbing or driving. The physician advised that appellant could work eight hours of light duty and that she should not remain seated for longer than one hour.

Appellant further submitted an undated statement from the employing establishment noting her work history. The employing establishment stated that, following appellant's July 22, 1997 employment injury, she was assigned to light-duty work and that she continued to work a light-duty assignment. The employing establishment stated that appellant had not reported an injury subsequent to her July 22, 1997 employment injury.

Appellant also submitted a description of the computer specialist position.

In a statement dated January 12, 2000, appellant alleged that her duties did not change upon her return to work after her original injury, she did not sustain any other injury since the original injury and she continued to experience chronic lumbar pain.

By decision dated February 11, 2000, the Office denied appellant's claim on the grounds that the medical evidence of record was insufficient to establish that she sustained a recurrence of disability causally related to her July 22, 1997 employment injury.

The Board finds that appellant has not met her burden of proof to establish that she sustained a recurrence of disability causally related to her July 22, 1997 employment injury.

An employee, who claims benefits under the Federal Employees' Compensation Act[1] has the burden of establishing the essential elements of her claim.[2] When an employee, who is disabled from the job she held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence of record establishes that she can perform the light-duty position, the employee has the burden to establish by the weight of the reliable, probative and substantial evidence a recurrence of total disability and show that she cannot perform such light duty. As part of this burden the employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty

[1] 5 U.S.C. §§ 8101-8193.

[2] *Ruthie Evans*, 41 ECAB 416, 423-24 (1990); *Donald R. Vanlehn*, 40 ECAB 1237, 1238 (1989).

job requirements.[3] The claimant must present rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, establishing causal relationship.[4]

In this case, appellant has not shown a change in the nature and extent of her modified-duty job requirements, nor has she submitted sufficient medical evidence to show a change in the nature and extent of her injury-related condition. Dr. Infantino's January 25, 2000 letter concluded that appellant's job exacerbated and irritated her condition, however, he did not explain how her condition was causally related to her July 22, 1997 employment injury. Moreover, he stated that lifting computer equipment could have been an intervening cause of appellant's condition. The remaining medical evidence of record is devoid of a rationalized medical opinion establishing a causal relationship between appellant's alleged recurrence of disability and her July 22, 1997 employment injury and, therefore, is of diminished probative value.

The decision of the Office of Workers' Compensation Programs dated February 11, 2000 is hereby affirmed.

Dated, Washington, DC
July 13, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

[3] *Cynthia M. Judd*, 42 ECAB 246, 250 (1990); *Terry R. Hedman*, 38 ECAB 222, 227 (1986).

[4] *Brian E. Flescher*, 40 ECAB 532, 536 (1989); *Ronald K. White*, 37 ECAB 176, 178 (1985).