

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES E. JOHNSON and U.S. POSTAL SERVICE,
WESTSIDE POST OFFICE, Greensboro, NC

*Docket No. 00-2009; Submitted on the Record;
Issued June 5, 2001*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability commencing February 9, 1999, causally related to his accepted August 16, 1997 head contusion.

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

On August 16, 1997 appellant, then a 52-year-old customer service supervisor, filed a traumatic injury claim after being hit on the head by a door. The Office of Workers' Compensation Programs accepted the claim for a head contusion.

On February 9, 1999 appellant filed a claim for recurrence of disability alleging stiffness and pain in his neck as a result of the 1997 head contusion. The Office denied appellant's claim on April 6, 1999, finding that the evidence of record failed to establish a causal relationship between the accepted head contusion and the claimed recurrence of disability. Appellant requested reconsideration, and by decision dated March 3, 2000, the Office denied his request on the grounds that the evidence of record was insufficient to warrant modification of its prior decision.

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

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

The medical evidence in support of appellant's recurrence of disability claim consists of a December 16, 1999 report of a nerve conduction and electromyography study interpreted by Dr. Lisa K. Mannix, as revealing ulnar neuropathy on the left and possible C-8 radiculopathy. A December 30, 1999 report of a computerized tomography scan of the spine and cervical myelogram were interpreted by Dr. John A. Strong, a Board-certified radiologist, as showing spondylitic changes at C5-6, bilateral foraminal stenosis and facet hypertrophy and C6-7 severe left foraminal stenosis. A magnetic resonance imaging scan of the cervical spine was interpreted by Dr. John Curnes, a Board-certified radiologist, to reveal widespread cervical spondylosis with foraminal narrowing at C5-6, C6-7 and C7-T1 on the left and resultant nerve root encroachment, central osteophyte formation at C5-6, with mild cord flattening particularly on the right, and asymmetric unciniate hypertrophy on the right at C5-6 and C6-7 with probable right C6 nerve root encroachment.

None of the medical evidence provided a rationalized medical opinion explaining how any of these findings were causally related to appellant's 1997 head contusion. None of the reports provided bridging information between the 1997 head injury and appellant's current diagnosed conditions. Nor do the reports explain how appellant's condition or disability as of February 9, 1999 was caused or aggravated by the accepted injury. Moreover, appellant returned to regular duty after the original injury and sought no further treatment for more than a year. By letter dated February 23, 1999, the Office advised appellant of the specific type of medical evidence needed to support his 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.

The March 3, 2000 and April 6, 1999 decisions of the Office of Workers' Compensation Programs are affirmed.

Dated, Washington, DC
June 5, 2001

David S. Gerson
Member

Michael E. Groom
Alternate Member

Priscilla Anne Schwab
Alternate Member