

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of WILLIAM L. TANNER and U.S. POSTAL SERVICE,  
POST OFFICE, Richmond, VA

*Docket No. 00-1979; Submitted on the Record;  
Issued May 21, 2001*

---

DECISION and ORDER

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

The issue is whether appellant met his burden to establish that his claimed recurrence of disability as of January 13, 1995 was causally related to his accepted bilateral varicose condition.

On January 31, 1996 appellant, a 52-year-old retired mail carrier, filed a claim for benefits, alleging that he sustained a bilateral varicose vein condition caused by factors of his federal employment. Appellant stated that he became aware of this condition on January 7, 1995, which forced him to retire from the employing establishment on January 13, 1995.

By decision dated August 5, 1996, the Office of Workers' Compensation Programs denied the claim, finding that appellant failed to submit medical evidence sufficient to establish that the claimed condition or disability was causally related to factors of his federal employment.

By letter dated September 3, 1996, appellant requested an oral hearing, which was held on February 25, 1997.

By decision finalized April 11, 1997, an Office hearing representative set aside the August 5, 1996 decision and remanded for further development of the medical evidence.

By letter dated February 27, 1998, the Office accepted appellant's claim for aggravation of bilateral varicosities.

On June 24, 1999 the Office granted appellant a schedule award for a 12 percent permanent impairment for loss of use of the left and right extremities for the period January 7, 1996 to May 4, 1997, for a total of 68.72 weeks of compensation.

On February 14, 2000 appellant filed a Form CA-2 claim for benefits, alleging that he sustained a recurrence of disability on January 13, 1995 which was caused or aggravated by his January 7, 1995 employment injury. In support of his claim, appellant submitted a July 24, 1995 report from Dr. Beverley M. Chamblin, a clinical psychologist, who opined that appellant had

been unable to work since January 13, 1995 due to an emotional illness caused by his workplace experiences.

By letter dated February 10, 2000, the Office advised appellant that it required additional medical evidence to support his claim for a recurrence of disability. The Office stated that appellant had 30 days in which to submit the requested information. Appellant did not submit any additional medical evidence within 30 days.

By decision dated March 2, 2000, the Office denied appellant's claim for a recurrence of disability, finding that he failed to submit medical evidence sufficient to establish that his claimed condition or disability as of January 13, 1995 was causally related to the January 7, 1995 employment injury.

The Board finds that appellant has not established that his claimed recurrence of disability as of January 13, 1995 was causally related to his accepted bilateral varicose condition.

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>

The record contains no such medical opinion. Indeed, appellant has failed to submit any medical opinion containing a rationalized, probative report which relates his alleged recurrence of disability to his accepted bilateral varicose condition. For this reason, he has not discharged his burden of proof to establish his claim that he sustained a recurrence of disability as a result of his accepted employment condition.

The July 24, 1995 report from Dr. Chamblin, the clinical psychologist, provided a brief statement that appellant had an emotional condition caused by workplace conditions. However, this report is not relevant to this case, however, as it asserts that appellant has sustained a condition which was not accepted by the Office. Appellant has not submitted any medical evidence indicating that his claimed condition as of January 13, 1995 was causally related to the accepted bilateral varicose condition.<sup>2</sup>

As there is no medical evidence addressing and explaining why the claimed condition and disability as of January 13, 1995 was causally related to the accepted bilateral varicose condition, appellant has not met his burden of proof in establishing that he sustained a recurrence of disability.

---

<sup>1</sup> *Dennis E. Twardzik*, 34 ECAB 536 (1983); *Max Grossman*, 8 ECAB 508 (1956); 20 C.F.R. § 10.121(a).

<sup>2</sup> *William C. Thomas*, 45 ECAB 591 (1994).

The decision of the Office of Workers' Compensation Programs dated March 2, 2000 is hereby affirmed.

Dated, Washington, DC  
May 21, 2001

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member