

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of GARNETT OKLESON and U.S. POSTAL SERVICE,  
GENERAL MAIL FACILITY, Cleveland, OH

*Docket No. 99-2265; Submitted on the Record;  
Issued May 4, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability causally related to her February 26, 1992 employment injury.

On February 26, 1992 appellant, then a 44-year-old postal clerk, hurt her back when she slipped and fell in a puddle of water. The claim was accepted for a lumbar strain and contusion of the coccyx. Appellant received appropriate compensation benefits and returned to limited duty effective June 14, 1993.

On July 14, 1995 appellant filed a CA-7 claim for a schedule award. She alleged that she had nerve impairment of the lower extremities due to a L-5 disc bulge that was causally related to her accepted employment injury.<sup>1</sup>

In a December 11, 1995 report, an Office of Workers' Compensation Programs medical adviser reviewed the case file and found no permanent partial impairment that would entitle appellant to a schedule award.

In a decision dated January 11, 1996, the Office denied appellant's entitlement to a schedule award for permanent partial impairment of the lower extremities. The Office specifically determined that there was no causal relationship between appellant's L-5 lumbar disc bulge and the February 26, 1992 employment injury.

Appellant requested a hearing, which was held on August 1, 1996.

In a decision dated October 1, 1996, an Office hearing representative affirmed the Office's January 11, 1996 decision.

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<sup>1</sup> A computerized tomography (CT) scan performed on March 20, 1992 revealed bulging at L4-5 and L5-S1. A magnetic resonance imaging (MRI) scan of the lumbar spine performed on January 20, 1993 also showed a disc abnormality at L3 and a bulging disc at L5.

On April 16, 1999 appellant filed a claim for a recurrence of disability beginning June 8, 1998 due to her February 26, 1992 work injury. She indicated that she did not stop work following the recurrence of disability until October 21, 1998.

In a May 4, 1999 letter, the Office advised appellant of the factual and medical evidence required to establish a claim for a recurrence of disability.

In a decision dated June 18, 1999, the Office denied appellant's claim for compensation on the grounds that the evidence was insufficient to show that she sustained a recurrence of disability causally related to the February 26, 1992 employment injury.

The Board finds that appellant has failed to establish that she sustained a recurrence of disability causally related to her February 26, 1992 employment injury.

When an employee, who is disabled from the job he or she held when injured on account of an employment-related residuals, returns to a limited- or light-duty position or the medical evidence of record establishes that he or 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 that he or 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 job requirements.<sup>2</sup>

In this case, there is no medical evidence of record to show that appellant experienced a change in the nature and extent of her injury-related condition. There is also no evidence to support a finding that appellant's light-duty job requirements changed to the extent that she was unable to perform her work duties. Although appellant alleged that the employing establishment required her to work beyond her medical restrictions, she did not submit any corroborating evidence to support her allegations. Thus, the Board concludes that she failed to establish that she sustained a recurrence of disability causally related to her employment injury of February 26, 1992.

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<sup>2</sup> *Glenn Robertson*, 48 ECAB 344 (1997); *Mary A. Wright*, 48 ECAB 240 (1996).

The June 18, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
May 4, 2001

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Member

Priscilla Anne Schwab  
Alternate Member