

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ANDREW L. AMARAL and U.S. POSTAL SERVICE,  
POST OFFICE, New Smyrna Beach, FL

*Docket No. 01-907; Submitted on the Record;  
Issued November 20, 2001*

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DECISION and ORDER

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

The issue is whether appellant sustained a cervical, lumbar or other injury causally related to his January 23, 1998 employment injury.

Appellant filed a traumatic injury claim alleging that on January 23, 1998 he fell over a telephone wire at work and hurt his left arm. The Office of Workers' Compensation Programs accepted that claim for a left shoulder contusion/strain. Appellant returned to his full-time date-of-injury position as a letter carrier on January 30, 1998. He worked limited duty for intermittent periods in March 1998, then eventually stopped working on April 14, 1999.

By decision dated May 10, 2000, the Office determined that appellant had not established a back injury causally related to the January 23, 1998 employment injury, and that he was not entitled to any compensation after his return to work on January 30, 1998. In a decision dated December 19, 2000, the Office hearing representative affirmed the prior decision.

The Board finds that the case is not in posture for decision.

The accepted condition in this case was a left shoulder contusion/strain. Appellant has expanded his claim to include cervical and lumbar injuries as a result of the January 23, 1998 fall. In support of this claim, appellant submitted medical reports and deposition testimony dated December 7, 1999 from Dr. Alyn Benezette, an osteopath. In his deposition testimony, Dr. Benezette notes the history of injury in January 1998, and he discusses appellant's symptoms and treatment. He provides an unequivocal opinion that the employment injury aggravated underlying degenerative disc disease. Dr. Benezette opined that appellant sustained herniated cervical discs, lumbar disc bulging, with consequential radiculopathy and neuropathy.

Although Dr. Benezette did not fully explain his opinion, he does provide probative medical evidence in support of appellant's claim. The record does not contain any contrary evidence, nor did the Office attempt to further develop the record. While appellant has the burden of proof to establish his claim, the Office shares responsibility in the development of the

evidence.<sup>1</sup> It is well established that when an uncontroverted inference of causal relationship is raised, the Office is obligated to further develop the medical evidence.<sup>2</sup>

Accordingly, the case will be remanded to the Office for further development of the medical evidence. After such further development as the Office deems necessary, it should issue an appropriate decision.

The decisions of the Office of Workers' Compensation Programs dated December 19 and May 10, 2000 are set aside and the case is remanded for further action consistent with this decision.

Dated, Washington, DC  
November 20, 2001

Michael J. Walsh  
Chairman

A. Peter Kanjorski  
Alternate Member

Priscilla Anne Schwab  
Alternate Member

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<sup>1</sup> *William J. Cantrell*, 34 ECAB 1233 (1983).

<sup>2</sup> *John J. Carlone*, 41 ECAB 354 (1989).