

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of AUDIE McKENZIE and DEPARTMENT OF JUSTICE,
FEDERAL CORRECTIONS INSTITUTION, Marianna, FL

*Docket No. 01-834; Submitted on the Record;
Issued October 16, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability causally related to his May 7, 1999 employment injury.

The Board has duly reviewed the case record and finds that appellant has failed to establish that he sustained a recurrence of disability causally related to his May 7, 1999 employment injury.

On May 7, 1999 appellant, then a 45-year-old facility foreman, filed a traumatic injury claim alleging that on that date he hurt his heels, legs and back when he fell approximately six feet from a slanted roof. Appellant stopped work on the date of injury and returned to light-duty work on June 14, 1999.¹

The Office of Workers' Compensation Programs accepted appellant's claim for a lumbar and thoracic strain, and a compression fracture at T12.

On September 27, 2000 appellant filed a claim alleging that he sustained a recurrence of disability. He claimed that the pain in his back continued. By letter dated November 24, 2000, the Office advised appellant to submit factual and medical evidence supportive of his claim.

By decision dated January 8, 2001, the Office found the evidence of record insufficient to establish that appellant sustained a recurrence of disability causally related to his May 7, 1999 employment injury.

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

¹ The record reveals that appellant subsequently returned to full-duty work with certain physical restrictions.

causally related to the employment injury and who supports that conclusion with sound medical reasoning.²

In response to the Office's November 24, 2000 letter requesting factual and medical evidence, appellant submitted only factual evidence, including a December 11, 2000 narrative statement indicating that, although the pain in the T12 area had lessened, it had been consistent and still existed. Appellant indicated that he sought medical treatment intermittently for his pain. Further, appellant stated that he would have his treating physician submit current medical reports to the Office. However, neither appellant nor his treating physician submitted any medical evidence prior to the Office's January 8, 2001 decision denying appellant's recurrence claim. As there is no medical opinion evidence addressing appellant's recurrence of disability claim.

Because appellant has failed to submit any rationalized medical evidence establishing that he sustained a recurrence of disability causally related to his accepted May 7, 1999 employment injury, the Board finds that appellant has not met his burden of proof.

The January 8, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 16, 2001

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

² *Louise G. Malloy*, 45 ECAB 613 (1994); *Lourdes Davila*, 45 ECAB 139 (1993); *Robert H. St. Onge*, 43 ECAB 1169 (1992).