

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELIZABETH HADVAB and U.S. POSTAL SERVICE,
POST OFFICE, Middlebury, VT

*Docket No. 00-2805; Submitted on the Record;
Issued September 20, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability on March 8, 2000 causally related to her January 15, 1982 employment injury.

Appellant, a 29-year-old rural carrier, filed a notice of traumatic injury on January 18, 1982 alleging that on January 15, 1982 she sustained injuries in a motor vehicle accident while in the performance of duty. The Office of Workers' Compensation Programs accepted appellant's claim for nasal fracture, acute lumbosacral strain, deviated septum, concussion, nasal allergies and an episode of acute sinusitis.

Appellant filed a notice of recurrence of disability on April 14, 2000 alleging that her back pain had worsened and that she was unable to lift more than 35 pounds. Appellant added that her degenerating cervical and lumbar discs resulted from the 1982 accident. By decision dated August 4, 2000, the Office denied appellant's claim finding that she failed to submit the necessary rationalized medical opinion evidence.¹

The Board finds that appellant has failed to meet her burden of proof in establishing a recurrence of disability on March 8, 2000 causally related to her 1982 employment injuries.

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her recurrence of disability commencing March 8, 2000 and her January 15, 1982 employment injury.² This burden includes the necessity of furnishing medical evidence from a physician who, on the basis of a complete and accurate

¹ Following the Office's August 4, 2000 decision, appellant submitted additional new evidence. As the Office did not consider this evidence in reaching a final decision, the Board will not review it for the first time on appeal. 20 C.F.R. § 501.2(c).

² *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

factual and medical history, concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.³

In support of her claim, appellant submitted several reports from Dr. Heidi Rasmussen, a Board-certified family practitioner. On April 4 and May 17, 2000 Dr. Rasmussen diagnosed low back pain. She completed a report on June 5, 2000 and opined that appellant's hip and coccyx bursitis and pain were due to her 1982 employment injury. In a report dated June 28, 2000, Dr. Rasmussen noted that appellant stated that her current back pain was similar to problems she experienced several years ago. Dr. Rasmussen stated, "With this in mind, I suspect that her back pain at the present time is related to her previous condition."

These reports are not sufficient to meet appellant's burden of proof because Dr. Rasmussen failed to offer a detailed medical history of appellant's accepted employment injuries or provide any medical reasoning in support of her opinion that appellant's current condition is causally related to her employment injury.

There is no medical evidence in the record providing a history of injury, an opinion on the causal relationship between appellant's current condition and her 1982 employment injuries and supporting these conclusions with medical reasoning. For these reasons, the Board finds that appellant has failed to meet her burden of proof.

The August 4, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
September 20, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Priscilla Anne Schwab
Alternate Member

³ See *Nicolea Brusco*, 33 ECAB 1138, 1140 (1982).