

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of BELINDA DURANT and U.S. POSTAL SERVICE,  
POST OFFICE, La Habra, CA

*Docket No. 01-457; Submitted on the Record;  
Issued September 13, 2001*

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DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability on February 19, 2000 causally related to the accepted November 15, 1996 injury.

On November 19, 1996 appellant, then a 37-year-old carrier technician, filed a traumatic injury claim alleging that, on November 15, 1996, she injured her foot and ankle while walking on her route. The Office of Workers' Compensation Programs accepted the claim for left ankle strain. Appellant returned to limited duty some time after the injury until September 29, 1997 when she began regular work.

On March 21, 2000 appellant filed a notice of recurrence of disability alleging that her ankle condition had worsened and that, on February 19, 2000, she was walking on an even surface when her left ankle twisted. Appellant asserted that her left ankle had always been weak since her 1996 injury and had twisted periodically while she was delivering mail. She stated that the recurrence caused a second-degree ankle sprain and that x-ray evidence established a reagravation of a chronically unstable left ankle. Appellant returned to work on February 22, 2000.

Dr. Kenneth Gray, a Board-certified physician in emergency medicine, diagnosed left ankle sprain, degenerative joint disease of the left ankle joint with acute exacerbation and chronic left ankle sprain/instability due to repeat inversion injury. In a March 2, 2000 report, Dr. Gray indicated that appellant reagravated a left ankle sprain on February 19, 2000 when she inverted her left ankle while walking on an uneven surface in front of her house. Dr. Gray released appellant to temporary light duty with restrictions from March 2 through March 9, 2000.

In a letter dated May 25, 2000, the Office advised appellant that the evidence indicated that she sustained a new nonindustrial injury on February 19, 2000 in front of her home. The Office explained that a recurrence was "a spontaneous return or increase of disability due to a previous injury or occupational disease without intervening cause" and that she had not sustained

a recurrence of the original injury. The Office requested a complete and accurate factual and medical history of appellant with rationalized medical evidence supporting a causal relationship between her current ankle condition and disability and the original injury.

By decision dated August 2, 2000, the Office denied appellant's claim on the grounds that the evidence of record failed to show that her alleged recurrence of disability on February 19, 2000 was causally related to her November 15, 1996 employment injury.

The Board finds that appellant failed to establish a causal relationship between her November 15, 1996 ankle sprain and her alleged recurrence of disability on February 19, 2000.

Where an employee claims a recurrence of disability due to an accepted employment-related injury, the employee has the burden of establishing by the weight of reliable, probative and substantial evidence that the recurrence of disability is causally related to the original injury.<sup>1</sup> Such proof must include 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 employment factors and supports that conclusion with sound medical reasoning.<sup>2</sup> An award of compensation may not be made on the basis of surmise, conjecture or speculation or on appellant's unsupported belief of causal relation.<sup>3</sup>

The medical evidence submitted to support appellant's recurrence claim does not establish a causal relationship between the February 19, 2000 incident and her November 15 1996 accepted employment injury. The progress notes dated March 2 to May 21, 2000 diagnosed left ankle sprain, degenerative joint disease of the left ankle and left ankle instability. The evidence did not contain an accurate history of the original injury or a rationalized medical opinion relating appellant's ankle condition to her November 15, 1996 employment injury. The medical evidence instead clearly relates appellant's ankle condition to a new nonindustrial incident on February 19, 2000, during which appellant twisted her ankle. Such a traumatic injury occurring outside appellant's federal employment cannot be compensated as work-related under the Federal Employees' Compensation Act.<sup>4</sup>

Appellant has failed to meet her burden of proof in establishing a recurrence of disability on February 19, 2000 causally related to her employment because the medical evidence does not explain why and how her November 15, 1996 employment injury caused a subsequent nonindustrial ankle sprain. Without this medical evidence, appellant has not established her claim for recurrence of disability.

The August 2, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC

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<sup>1</sup> *Jose Hernandez*, 47 ECAB 288, 293-94 (1996).

<sup>2</sup> *Alfredo Rodriguez*, 47 ECAB 437, 441 (1996).

<sup>3</sup> *See id.*

<sup>4</sup> 5 U.S.C. §§ 8101-8193.

September 13, 2001

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

Priscilla Anne Schwab  
Alternate Member