

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JACQUELYN R. JOHNSON and U.S. POSTAL SERVICE,
POST OFFICE, St. Louis, MO

*Docket No. 02-2159; Submitted on the Record;
Issued December 18, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, COLLEEN DUFFY KIKO,
DAVID S. GERSON

The issue is whether appellant has established a recurrence of disability commencing July 12, 2001.

On January 27, 1999 appellant, then a 47-year-old customer services supervisor, filed a notice of traumatic injury and claim for compensation (Form CA-1). The claim form stated that a metal shelf on an all-purpose mail container fell on the top of appellant's head. She returned to work on February 8, 1999. The Office of Workers' Compensation Programs accepted the claim for a cervical strain and head contusion.

On October 30, 2001 appellant filed a notice of recurrence of disability (Form CA-2a). She indicated that she stopped working on July 12, 2001.

By decision dated March 25, 2002, the Office denied the claim on the grounds that the medical evidence was insufficient to establish a recurrence of disability. In a decision dated June 4, 2002, the Office denied modification of its prior decision.

The Board finds that appellant has not established a recurrence of disability commencing July 12, 2001.

A person who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which she claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish 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 the employment injury and supports that conclusion with sound medical reasoning.¹

¹ *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).

In a report dated September 17, 2001, Dr. Jay Liss, a psychiatrist, indicated that appellant was first treated on August 17, 2001. He noted that appellant had a head injury in January 1999; he diagnosed major depression, post-traumatic stress disorder (PTSD) and postconcussion syndrome and stated that appellant was totally disabled. Dr. Liss does not provide a detailed history or a reasoned medical opinion on causal relationship between the diagnosed conditions and the employment injury. The September 17, 2001 report is therefore, of diminished probative value to the issues presented.

The Office referred appellant, medical records and a statement of accepted facts, to Dr. Wayne Stillings, a psychiatrist. In a report dated March 14, 2002, he provided a history, results on examination and reviewed the medical records. Dr. Stillings opined that appellant did not meet the diagnostic criteria for PTSD or postconcussion syndrome and he did not find any causal relationship between depression and the employment injury. He stated that symptoms of minor concussions resolve within one to three months and he concluded that appellant did not have any neuropsychiatric illness causally related to the employment injury.

In a report dated April 2, 2002, Dr. Liss indicated that he disagreed with Dr. Stillings' interpretation of the diagnostic criteria for PTSD and postconcussion syndrome. He stated that there are no objective tests in psychiatry and that the diagnoses are based on clinical evidence. Dr. Liss does not, however, address the relevant issues: causal relationship of the diagnosed conditions with the January 27, 1999 employment injury and disability commencing July 12, 2001.

Appellant did not submit a medical report with a complete factual and medical background and a reasoned medical opinion on causal relationship between a disabling condition as of July 12, 2001 and the employment injury. The second opinion psychiatrist, Dr. Stillings, opined that appellant did not have a neuropsychiatric illness causally related to the employment injury. The Board accordingly finds that appellant has not met her burden of proof to establish a recurrence of disability commencing July 12, 2001.²

² The Board notes that medical evidence was submitted after June 4, 2002. The jurisdiction of the Board is limited to evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

The decisions of the Office of Workers' Compensation Programs dated June 4 and March 25, 2002 are affirmed.

Dated, Washington, DC
December 18, 2002

Michael J. Walsh
Chairman

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member