

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of BARBARA A. PRESTON and DEPARTMENT OF VETERANS AFFAIRS,  
VETERANS ADMINISTRATION MEDICAL CENTER, Baltimore, MD

*Docket No. 01-1233; Submitted on the Record;  
Issued January 25, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
BRADLEY T. KNOTT

The issue is whether appellant sustained a recurrence of disability beginning September 9, 1999 causally related to her June 1, 1999 employment injury.

On June 1, 1999 appellant, then a 51-year-old registered nurse, sustained a sprained left ankle when she fell while exiting an elevator. Appellant received continuation of pay during her absences from work from June 1 to 4, 1999 and from July 18 to August 12, 1999, when she resumed her regular work.

On September 17, 1999 appellant filed a claim for a recurrence of disability beginning September 9, 1999. She stated that after her return to work she favored her right hip, which she hurt. Appellant also stated that on September 7, 1999 while getting out of a car she put her entire weight on her right hip causing pain.

By decision dated October 28, 1999, the Office of Workers' Compensation Programs found that appellant had not established that she sustained a recurrence of disability, as there was no medical evidence to support a connection between her right hip condition and her June 1, 1999 employment injury.

By letter dated November 26, 1999, appellant requested a review of the written record.

By decision dated March 27, 2000, an Office hearing representative found that appellant had not shown that she sustained a recurrence of disability causally related to her June 1, 1999 employment injury, as she had not provided a well-rationalized medical report explaining how her right hip condition was related to favoring her left ankle.

The Board finds that appellant has not established that she sustained a recurrence of disability beginning September 9, 1999 causally related to her June 1, 1999 employment injury.

Where appellant claims a recurrence of disability due to an accepted employment-related injury, she has the burden of establishing by the weight of the substantial, reliable and probative evidence that the subsequent disability for which she claims compensation is causally related to the accepted injury.<sup>1</sup> This burden includes the necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.<sup>2</sup>

The Office accepted that appellant sustained a left ankle sprain on June 1, 1999. Appellant's claim for a recurrence of disability and the reports of her attending physician, Dr. Benedicto Garin, attribute her disability beginning September 9, 1999 not to an ankle condition but rather to a right hip condition, diagnosed by Dr. Garin as a right hip strain.

Appellant's claim for a recurrence of disability beginning September 9, 1999 constitutes a claim for a consequential injury. It is an accepted principle of workers' compensation law, and the Board has so recognized, that when the primary injury is shown to have arisen out of and in the course of employment, every natural consequence that flows from the injury is deemed to arise out of the employment, unless it is the result of an independent intervening cause which is attributable to the employee's own intentional conduct. The basic rule is that a subsequent injury, whether an aggravation of the original injury or a new and distinct injury, is compensable if it is the direct and natural result of a compensable primary injury. If a member weakened by an employment injury contributes to a later fall or other injury, the subsequent injury will be compensable as a consequential injury.<sup>3</sup> An employee who asserts that a nonemployment-related injury was a consequence of a previous employment-related one has the burden of proof to establish that such was the fact.<sup>4</sup>

Appellant has not established that she has a right hip condition as a consequence of her June 1, 1999 ankle injury. In a report dated November 19, 1999, Dr. W.P. Cook diagnosed trochanteric bursitis secondary to altered weight bearing from left lower extremity injury. His opinion, however, was not based on a complete and accurate history. Dr. Cook's history that appellant began developing right hip pain "shortly after" her employment injury is not inaccurate, as appellant stated in her November 26, 1999 letter that she began to have right hip pain between July 4 and 18, 1999. In a report dated July 18, 1999, Dr. Garin diagnosed a strain of the right hip secondary to appellant's left ankle sprain.

The history that Dr. Cook lacks is of a September 7, 1999 incident in which appellant got her left ankle caught between the seat and the door and pulled her right hip more, as she described it in her November 26, 1999 chronology or put her entire weight on her right hip, as she described it on her recurrence claim. As this may constitute an independent intervening cause of her disability beginning September 9, 1999, medical reports not showing an awareness

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<sup>1</sup> *John E. Blount*, 30 ECAB 1374 (1974).

<sup>2</sup> *Frances B. Evans*, 32 ECAB 60 (1980).

<sup>3</sup> *Sandra Dixon-Mills*, 44 ECAB 882 (1993).

<sup>4</sup> *Margarette B. Rogler*, 43 ECAB 1034 (1992).

of this incident are not sufficient to meet appellant's burden of proof. In addition, the medical reports appellant submitted provide no rationale explaining how altered weight bearing caused appellant's right hip condition, variously diagnosed as a strain, bursitis or tendinitis. Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee's burden of proof.<sup>5</sup>

The March 27, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
January 25, 2002

Michael J. Walsh  
Chairman

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

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<sup>5</sup> *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).