

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES CATLETT and DEPARTMENT OF THE ARMY,
TRAINING & DOCTRINE COMMAND, Fort Knox, KY

*Docket No. 01-1409; Submitted on the Record;
Issued January 25, 2002*

DECISION and ORDER

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

The issue is whether appellant sustained a recurrence of disability causally related to his July 13, 1994 work-related injury.

The Board has duly reviewed the case record on appeal and finds that appellant has not met his burden of proof in establishing that he sustained a recurrence of disability.

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between his recurrence of disability and his July 13, 1994 employment injury.¹ This burden includes the necessity of 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 causally related to employment factors and supports that conclusion with sound medical reasoning.²

In this case, the Office of Workers' Compensation Programs accepted appellant's claim for sacroiliac sprain sustained on July 13, 1994 when he fell from a grader, causing him to injure his head and back.

In a letter dated February 1, 2000, appellant stated that, since he returned to work on July 24, 1994, he "would have some moderate pain after operating some types of heavy equipment." Appellant noted that his doctor advised him that, based on an x-ray, he had damage between the fifth and sixth joint of his spine caused by the July 13, 1994 work-related injury.

¹ *Kenneth R. Love*, 50 ECAB 193 (1998).

² *Id.*

By decision dated February 25, 2000, the Office denied appellant's claim for recurrence of disability on the grounds that the evidence he submitted was insufficient to establish that appellant sustained a recurrence of disability based on his July 13, 1994 work-related injury.³

By letter dated February 7, 2001, appellant requested reconsideration. In support of his request, appellant submitted multiple medical reports from Dr. Arthur L. Malkani, appellant's treating Board-certified orthopedic surgeon, and Dr. Mitchell J. Campbell, an orthopedic surgeon.

In a report dated May 26, 1999, Dr. Malkani stated that he initially treated appellant in April 1999 with medial compartment pain about the right knee and that appellant "underwent right knee arthroscopy in April." He noted appellant's "significant low back pain" and further noted that x-rays revealed "spondylolisthesis which is slipping of his spinal vertebral bodies."

In a report dated June 21, 2000, Dr. Malkani stated that he treated appellant on April 20, 1999 for back pain. He noted: "His history was significant for injury when he fell in 1994. His x-rays on April 20, 1999, demonstrated a spondylolisthesis at L5-S1."

In a report dated October 23, 2000, Dr. Malkani stated that he had known appellant for over two years, that he has "multiple orthopedic problems including low back pain with a history of spondylolisthesis. This is where he has slipping of the vertebral bodies at L5-S1."

In a report dated November 15, 2000, Dr. Campbell stated that appellant fell off a tower in 1994 and has been symptomatic with low back pain since that event. He reviewed x-rays of the lumbar spine and noted that they were "fairly unremarkable" and revealed degenerative disc disease in the upper lumbar region.

In a report dated January 22, 2001, Dr. Campbell noted that appellant injured himself on July 13, 1994 when he fell off a grader.

By decision dated March 26, 2001, the Office denied modification of the February 25, 2000 decision.

In this case, the medical reports from Dr. Malkani, although noting a spondylolisthesis at L5-S1, did not relate this condition to appellant's work-related injury. Indeed, Dr. Malkani related appellant's low back pain to his spondylolisthesis which was unrelated to his employment. These reports are not sufficient to meet appellant's burden of proof because Dr. Malkani did not support his conclusion with a rationalized medical opinion establishing a causal relationship between appellant's current condition and his employment-related injury. Without any explanation or rationale for the conclusion reached, such reports are insufficient to establish causal relationship.⁴

³ The Office on December 1, 1999 advised appellant regarding the kind of evidence he needed to process his claim.

⁴ *Jennifer L. Sharp*, 48 ECAB 209 (1996).

Further, Dr. Campbell noted appellant's mechanical pain and degenerative disc condition, but did not relate this condition to the work-related injury of July 13, 1994. The Board has held that a medical report that does not include a rationalized medical opinion in support of a finding of causal relationship is of limited probative value.⁵

An award of compensation may not be based on surmise, conjecture or speculation or upon appellant's belief that there is a causal relationship between his condition and his employment. To establish causal relationship, appellant must submit a physician's report in which the physician reviews the factors of employment identified by appellant as causing his condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant's medical history, states whether these employment factors caused or aggravated appellant's diagnosed conditions and present medical rationale in support of his opinion.⁶ Appellant failed to submit such evidence and therefore failed to meet his burden of proof.

The March 26, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
January 25, 2002

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

⁵ *Annie L. Billingsley*, 50 ECAB 210 (1998).

⁶ *Bonnie Goodman*, 50 ECAB 139 (1998).