

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CAROLYN D. CLARK and DEPARTMENT OF THE NAVY,
NORFOLK NAVAL SHIPYARD, Portsmouth, VA

*Docket No. 01-2082; Submitted on the Record;
Issued July 26, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,
DAVID S. GERSON

The issue is whether appellant has established a recurrence of disability causally related to her federal employment.

Appellant filed an occupational disease claim (Form CA-2) on March 16, 1992, alleging that she sustained injuries causally related to her federal employment as a tool and parts attendant. The Office of Workers' Compensation Programs accepted the claim for bilateral carpal tunnel syndrome.

On January 25, 1999 appellant filed a notice of recurrence of disability. By decision dated November 10, 1999, the Office denied the claim. The Office found that appellant had not established any additional conditions as employment related, nor any additional period of disability causally related to the carpal tunnel syndrome. In a decision dated August 15, 2000, an Office hearing representative affirmed the prior decision.

The Board finds that appellant has not established a recurrence of disability in this case.

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

The record indicates that appellant initially filed a traumatic injury claim for an injury occurring on December 6, 1991, when she pulled on a steel window.² This claim was denied and

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

² OWCP File No. A25-398497.

is not before the Board. Appellant then filed the occupational claim that is at issue on this appeal. When appellant filed the notice of recurrence of disability, she indicated her belief that she had additional employment-related injuries, including the neck and shoulder.³ The Office did not accept any condition other than the bilateral carpal tunnel syndrome; it is appellant's burden to establish any additional conditions as employment related.⁴

Appellant was referred for a second opinion examination by Dr. Warren H. Foer, a neurosurgeon. In a report dated August 9, 1999, Dr. Foer provided a history and results on examination. He stated that he did not find any evidence of ongoing carpal tunnel syndrome or active radiculopathy. He further stated that he was not convinced that there was a direct relationship between a 1991 employment incident and the cervical radiculopathy.

The Board finds no probative medical evidence establishing causal relationship between a neck or shoulder condition and the employment injury. Appellant submitted a report dated April 26, 1996 from Dr. David Swingle, a neurosurgeon, diagnosing right C7 radiculopathy. Dr. Swingle notes that appellant had complaints of neck and radicular arm pain dating back to December 1991 from her original injury, without providing a reasoned medical opinion on causal relationship between the neck condition and appellant's federal employment.

The Board accordingly finds that the medical evidence does not establish either continuing disability from the accepted carpal tunnel syndrome or any additional conditions as employment related. It is appellant's burden of proof and the evidence is not sufficient to meet her burden in this case.

The decision of the Office of Workers' Compensation Programs dated August 15, 2000 is affirmed.

Dated, Washington, DC
July 26, 2002

Michael J. Walsh
Chairman

Alec J. Koromilas
Member

David S. Gerson
Alternate Member

³ Appellant underwent cervical surgery in September 1997.

⁴ *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).