

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PATRICK G. MATTHEWS and DEPARTMENT OF THE NAVY,
NAVAL AIR STATION, Willow Grove, PA

*Docket No. 02-472; Submitted on the Record;
Issued July 10, 2002*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant met his burden of proof to establish that he sustained a recurrence of disability on August 21, 2001 causally related to his July 12, 1994 employment injury.

The Board finds that appellant did not meet his burden of proof to establish that he sustained a recurrence of disability on August 21, 2001 causally related to his July 12, 1994 employment injury.

An individual 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 compensation is claimed is causally related to the accepted 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 the employment injury and supports that conclusion with sound medical rationale.² Where no such rationale is present, medical evidence is of diminished probative value.³

On July 12, 1994 appellant, then a 39-year-old heating, ventilation and air conditioning mechanic, sustained a right knee sprain and torn lateral meniscus of the knee in the performance of duty when he slipped and fell from a ladder.

On August 21, 2001 appellant filed a claim for a recurrence of disability on that date which he attributed to his July 12, 1994 employment injury. He noted that he had arthritis in his

¹ See *Charles H. Tomaszewski*, 39 ECAB 461, 467 (1988).

² See *Mary S. Brock*, 40 ECAB 461, 471-72 (1989); *Nicolea Brusco*, 33 ECAB 1138, 1140 (1982).

³ See *Michael Stockert*, 39 ECAB 1186, 1187-88 (1988).

knee which was worsening. He stated that he performed light duty following his July 12, 1994 employment injury but was asked to perform regular work by a new supervisor and slipped on ice when he responded to a call.

By letter dated October 16, 2001, the Office of Workers' Compensation Programs informed appellant that he needed to provide evidence in support of his claim, including medical evidence explaining how his recurrence of disability was causally related to his July 12, 1994 employment injury.

The record shows that no additional information was received from appellant.

By decision dated November 30, 2001, the Office denied appellant's claim on the grounds that there was no medical evidence submitted in support of his claim of a recurrence of disability on August 21, 2001.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's claimed condition became apparent during a period of employment nor his belief that his condition was aggravated by his employment is sufficient to establish causal relationship.⁴ Appellant failed to submit rationalized medical evidence establishing that his claimed recurrence of disability is causally related to the accepted employment injury and, therefore, the Office properly denied his claim for compensation.

The decision of the Office of Workers' Compensation Programs dated November 30, 2001 is affirmed.

Dated, Washington, DC
July 10, 2002

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

⁴ See *Walter D. Morehead*, 31 ECAB 188, 194-95 (1979).