

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ZENORIA L. JACKSON and U.S. POSTAL SERVICE,
MAIN POST OFFICE, Richmond, VA

*Docket No. 02-88; Submitted on the Record;
Issued June 4, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant sustained a recurrence of disability from September 27 through 29, 2000 as a result of her January 6, 1990 employment injury.

On January 6, 1990 appellant, then a 34-year-old bundle sorter operator, injured her upper back while placing mail on a take-away belt. She returned to limited duty casing mail while sitting. The Office of Workers' Compensation Programs accepted her claim for thoracic back strain and paid compensation for periods of disability through June 11, 1990.¹

On October 2, 2000 appellant filed a claim alleging a recurrence of disability from September 27 through 29, 2000 as a result of her January 6, 1990 employment injury. She explained that she had been working limited duty since January 6, 1990, but her pain never went away and had gotten worse. The pain in appellant's lower back had increased, and the spasms in her lower back and legs continued to worsen. She stated: "It's related because nothing has changed. It never gets better. It's always getting worse. All the spasms and pains are in same areas."

On November 8, 2000 the Office requested that appellant submit additional information to support her claim. The Office described the nature of a recurrence and asked, if appellant decided that her situation met this description, that she submit the following:

"Please provide a detailed medical report which includes your physician's opinion, with supporting explanation, as to the causal relationship between your current condition and the original injury of January 6, 1990. If your physician feels that your January 6, 1990 injury caused or aggravated a degenerative condition he/she must submit a rationalized medical explanation on the degree

¹ The record shows that appellant also sustained employment injuries on November 21, 1987, February 26 and June 26, 1989 and June 17, 1992, all of which were accepted for back strain or back spasm.

and length of aggravation. Please note that his explanation is crucial to your claim.”

The Office thereafter received two duty status reports, dated October 25 and November 29, 2000, and a patient questionnaire completed by appellant on November 29, 2000. The record contains another duty status report, dated September 27, 2000, indicating that appellant’s condition was related to the January 6, 1990 injury and that appellant was to return to work on October 2, 2000.

In a decision dated January 9, 2001, the Office denied appellant’s claim of recurrence on the grounds that the medical evidence was insufficient to establish a causal relationship between her claimed recurrence and the injury of January 6, 1990.

The Board finds that appellant has not met her burden of proof to establish that she sustained a recurrence of disability from September 27 through 29, 2000 as a result of her January 6, 1990 employment injury.

When an employee who is disabled from the job she held when injured on account of employment-related residuals returns to a limited-duty position, or the medical evidence of record establishes that she can perform the limited-duty position, the employee has the burden to establish by the weight of the reliable, probative and substantial evidence a recurrence of total disability and to show that she cannot perform such limited-duty work. As part of this burden, the employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the limited-duty job requirements.²

Appellant does not claim a change in her limited-duty job requirements. She explains instead that her condition has worsened. The evidence she submitted to support her claim of recurrence, however, is of diminished probative value in establishing that she sustained a recurrence of total disability from September 27 through 29, 2000 as a result of placing mail on a take-away belt on January 6, 1990. The Office accepted that appellant sustained a thoracic back strain on January 6, 1990 and paid compensation for periods of disability through June 11, 1990. To establish, 10 years later, a recurrence of disability for work causally related to the January 6, 1990 employment injury, appellant must do more than submit duty status form reports.³

The Office advised appellant of the medical opinion evidence she needs to submit to establish causal relationship. Appellant did not submit a narrative medical opinion from her physician explaining how her disability for work from September 27 through 29, 2000 was causally related to the incident that occurred on January 6, 1990. There is no explanation by a physician as to how the thoracic back strain that appellant sustained on January 6, 1990 worsened, without intervening force or injury, so as to prevent her from working September 27 through 29, 2000. The duty status reports of record consist of a short medical form to which

² See *Terry R. Hedman*, 38 ECAB 222, 227 (1986).

³ The Board has held that form reports have little probative value on questions of causal relationship. *E.g.*, *Lillian M. Jones*, 34 ECAB 379 (1982).

appellant's physician check marked his answers to questions without explanation or rationale in support of any findings.⁴

Because appellant has submitted no such reasoned narrative opinion from her attending physician, she has not met her burden of proof.⁵

The January 9, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
June 4, 2002

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

⁴ See *Bernard Snowden*, 49 ECAB 144 (1997).

⁵ The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). The Board may not review evidence submitted on appeal.