

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of FELISA RUIZ and U.S. POSTAL SERVICE,  
POST OFFICE, Kansas City, MO

*Docket No. 01-329; Submitted on the Record;  
Issued March 6, 2002*

---

DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,  
WILLIE T.C. THOMAS

The issue is whether appellant has established that she sustained a recurrence of disability on July 10, 2000 related to a prior employment injury.

The Office of Workers' Compensation Programs accepted that appellant sustained a sprain of the dorsal spine and a temporary aggravation of left elbow tendinitis in a slip and fall at work on January 21, 1992. On October 25, 1995 the Office accepted that appellant sustained aggravation of right carpal tunnel syndrome in the performance of her duties. By decision dated November 6, 1996, the Office found that appellant's psoriasis was not shown to be causally related to her employment. This decision was affirmed by an Office hearing representative in a June 3, 1997 decision.

On July 11, 2000 appellant, who was then working as a general clerk with receptionist duties, filed a claim for a recurrence of disability, indicating that she stopped work on July 10, 2000 and returned to work on July 11, 2000. Appellant did not list a date of original injury, and stated, in the space for a description of the recurrence, "I do not term it as a recurrence – it has been ongoing since the condition surfaced. Progressively becomes more pain with swelling." Describing all injuries and illnesses that she suffered between the date she returned to work after the original injury and the date of the recurrence, appellant stated that she developed psoriasis at the onset of her carpal tunnel syndrome.

By letter dated August 2, 2000, the Office advised appellant that it needed a description of her duties and her physical condition since her original injury, an explanation why she believed her condition was related to her original injury, and a medical report including the physician's opinion, with supporting explanation, as to the causal relationship between her current disability or condition and the original injury.

Appellant submitted copies of results of electromyograms (EMGs) performed on May 10, 1999 and August 16, 2000, and treatment notes from her attending physician, Dr. James H. Whitaker. In a July 17, 2000 note, Dr. Whitaker stated that appellant "continues to have pain in

both hands. Last week she had quite severe pain in her right arm and could hardly raise it but she is not really sure if this was related to her carpal tunnel syndrome or her trapezius muscle which she has had problems with in the past.” Dr. Whitaker described appellant’s findings on examination, diagnosed bilateral carpal tunnel syndrome, and recommended a repeat EMG to see if there had been any progression of her nerve entrapment. In an August 16, 2000 note, Dr. Whitaker stated that the EMG that day showed mild progression of appellant’s bilateral carpal tunnel syndrome. Dr. Whitaker discussed treatment options, and injected appellant’s right carpal tunnel with Xylocaine and Aristospan.

By decision dated September 12, 2000, the Office found that the medical evidence did not establish a recurrence of disability on July 10, 2000 causally related to an accepted employment injury.

The Board finds that appellant has not established that she sustained a recurrence of disability on July 10, 2000 related to a prior 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 medical reports submitted by appellant do not indicate that she was disabled on July 10, 2000, or that her disability or condition on that date is causally related to any of her prior employment injuries. Appellant has not met her burden of proof.

---

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

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

The decision of the Office of Workers' Compensation Programs dated September 12, 2000 is affirmed.

Dated, Washington, DC  
March 6, 2002

Michael J. Walsh  
Chairman

Alec J. Koromilas  
Member

Willie T.C. Thomas  
Alternate Member