

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LYNNE B. LOECHEL and U.S. POSTAL SERVICE,
POST OFFICE, Harrison, OH

*Docket No. 02-131; Submitted on the Record;
Issued May 15, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, COLLEEN DUFFY KIKO,
WILLIE T.C. THOMAS

The issue is whether appellant sustained a recurrence of disability on March 2, 2001, causally related to her January 5, 1999 work-related injury.

On January 12, 1999 appellant, then a 38-year-old rural letter carrier, filed a claim alleging that on January 5, 1999 she slipped while in the performance of duty causing pain in her lower back, right hip and leg and numbness in her toes.

The Office of Workers' Compensation Programs accepted appellant's claim for cervical strain and disc herniation, authorized surgery, a lumbar a magnetic resonance imaging scan, epidermal injections and physical therapy.

In a duty status report dated November 9, 1999, Dr. John M. Roberts, V, appellant's treating physician and a Board-certified orthopedic surgeon, stated that appellant could return to work for four hours for two weeks, then six hours for two weeks and then eight hours for two weeks, with restrictions against lifting, climbing and kneeling.

On April 18, 2000 appellant returned to full duty as a telephone operator.

On May 1, 2001 appellant filed a claim for recurrence of disability. Appellant stated that she stopped work following the recurrence on March 2, 2001 and that she was limited in performing her duties because of her neck and arm pain, spastic colon and failing eyesight. Appellant further noted that she had scoliosis spurs and "continual pain medications, neck popping and cracking."

By letter dated June 26, 2001, the Office notified appellant that she needed additional information to establish her claim for a recurrence of disability.

In a report received by the Office on July 18, 2001, appellant stated that she always had neck pain and always took medication before her mail route; that she has had a lot of arm pain and that she was advised that her eye condition may be related to her neck problem.

By decision dated August 27, 2001, the Office denied appellant's claim for a recurrence of disability.

The Board finds that appellant failed to establish that she sustained a recurrence of disability on March 2, 2001 based on her January 5, 1999 work-related injury.

When an employee, who is disabled from the job she held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence establishes that light duty can be performed, the employee has the burden to establish by the weight of reliable, probative and substantial evidence a recurrence of total disability. As part of this burden of proof, the employee must show either a change in the nature and extent of the injury-related condition, or a change in the nature and extent of the light-duty requirements.¹

In this case, appellant alleged that on March 2, 2001 she sustained a recurrence of her January 5, 1999 work-related injury. Appellant's medical evidence included a March 7, 2001 report from Dr. Hsin C. Cheng who noted an angioedema, a nonwork-related skin condition; a March 8, 2001 normal chest x-ray, a March 13, 2001 normal left shoulder x-ray and a normal April 10, 2001 brain scan. Appellant also submitted a March 12, 2001 emergency room report, which found that she had overdosed on Valium that day. None of these reports establish that appellant sustained a recurrence of her cervical strain or disc herniation injuries. In her narrative reports, appellant noted that her history of neck pain and her reliance on pain medication prior to her mail route and that her eye condition was causally related to her neck condition and that Dr. Roberts had opined that her spastic colon was related to her medication. None of her assertions were supported by medical evidence and, indeed, neither her eye condition nor spastic colon were accepted by the Office as work related.

Appellant, therefore, did not submit probative rationalized medical evidence necessary to establish a recurrence of disability.

¹ *Carlos A. Marrero*, 50 ECAB 117 (1998); *Terry R. Hedman*, 38 ECAB 222 (1986).

The August 27, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.²

Dated, Washington, DC
May 15, 2002

Michael J. Walsh
Chairman

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

² The Board notes that this case record contains evidence which was submitted subsequent to the Office's August 27, 2001 decision. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35, 36 n. 2 (1952).