

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAMELA L. AYERS and U.S. POSTAL SERVICE,
POST OFFICE, Del Ray Beach, FL

*Docket No. 02-1231; Submitted on the Record;
Issued September 19, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant has established a recurrence of disability commencing September 18, 2000.

The Office of Workers' Compensation Programs accepted that on January 7, 1998 appellant, then a 42-year-old letter carrier, sustained a cervical strain, head trauma and a nose laceration when she was struck by a falling chandelier. Appellant returned to work initially at four hours per day and increased to eight hours per day.

On September 18, 2000 appellant submitted a notice of recurrence of disability commencing on that date. Appellant indicated that she continued to have neck pain since the injury.

In a decision dated May 17, 2001, the Office denied the claim. By decision dated February 20, 2002, an Office hearing representative affirmed the prior decision.

The Board finds that appellant has not met her burden of proof to establish a recurrence of disability commencing September 18, 2000.

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

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

In a treatment note dated September 19, 2000, Dr. Joseph Purita, an orthopedic surgeon, stated that appellant continued to complain of cervical spine pain; he indicated that the examination did not show an appreciable change from her previous examination and recommended a new magnetic resonance imaging (MRI). Dr. Purita does not discuss disability for work. In a report dated December 20, 2000, Dr. Purita stated, "office notes from September 19, [2000] failed to mention that this patient was out of work for a one-week period, which is related to her original injury of January 7, 1998." In a report dated November 20, 2001, Dr. Purita stated that appellant was in severe pain September 20 to 23, 2000 and he placed her off work and prescribed pain medicine and anti-inflammatories.

The Board finds that the evidence from Dr. Purita is of diminished probative value to the issue presented. The September 19, 2000 note does not provide any specific findings or discussion of disability for work. The subsequent reports did not provide a clear diagnosis² or a reasoned opinion on causal relationship between a disabling condition as of September 18, 2000 and the employment injury. The Board notes that the accepted cervical injury was a sprain; in order to establish an additional cervical condition as employment related there must be reasoned medical opinion evidence, based on a complete background, on causal relationship with the employment injury. In the absence of such evidence, the Board finds that appellant did not meet her burden of proof in this case.

The decision of the Office of Workers' Compensation Programs dated February 20, 2002 is affirmed.

Dated, Washington, DC
September 19, 2002

Alec J. Koromilas
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

² Dr. Purita states in his November 20, 2001 report that a February 1998 MRI scan showed a bulging disc, as did a July 2001 MRI. The February 11, 1998 report of the MRI scan in the record does not discuss a bulging disc and Dr. Purita does not provide any further explanation regarding a diagnosed cervical condition in September 2000.