

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAVID L. DENNARD and U.S. POSTAL SERVICE,
NORTHSIDE STATION, Atlanta, GA

*Docket No. 02-1689; Submitted on the Record;
Issued April 15, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant sustained a recurrence of disability on February 1, 2000 causally related to his September 3, 1987, December 19, 1989 or November 4, 1993 employment injuries.¹

On November 14, 2000 appellant, then a 46-year-old letter carrier, filed a claim alleging that he was disabled from February to November 2000.

In a form report dated November 15, 2000, Dr. Stephen J. Gould, a specialist in pain management, diagnosed lumbar radiculopathy, myofascial pain syndrome, postlaminectomy pain syndrome, and fasciitis of the foot. He noted that appellant had a long history of low back pain secondary to a fall in 1990 with a reinjury in 1993 while lifting. Dr. Gould indicated by checking the block marked "yes" that the conditions were work-related.

By letter dated December 20, 2000, the Office asked appellant to submit additional evidence, including a rationalized medical report explaining how appellant's back condition was causally related to factors of his employment.

By decision dated September 11, 2001, the Office denied appellant's claim on the grounds that the evidence of record failed to establish that he sustained a recurrence of disability on February 1, 2000 causally related to his September 3, 1987, December 19, 1989 or November 4, 1993 employment injuries.

By letter dated December 10, 2001, appellant requested reconsideration and submitted additional evidence.

¹ These claims were approved by the Office of Workers' Compensation Programs for back sprains and abrasions, a right shoulder and right leg sprain, and a herniated disc at L5-S1 under Office file numbers A6-422790 (September 3, 1987 injury), A6-479701 (December 19, 1989 injury) and A6-588393 (November 4, 1993 injury). These cases have been consolidated.

In a report dated October 12, 2001, Dr. Gould stated that he performed a caudal epidural steroid injection and noted that appellant's back condition was getting better with decreased lumbar lordosis.

By decision dated February 4, 2002, the Office denied modification of its September 11, 2001 decision.

The Board finds that appellant failed to establish that he sustained a recurrence of disability on February 1, 2000 causally related to his September 3, 1987, December 19, 1989 or November 4, 1993 employment injuries.

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.² 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.³ Where no such rationale is present, medical evidence is of diminished probative value.⁴

In a form report dated November 15, 2000, Dr. Gould, a specialist in pain management, diagnosed lumbar radiculopathy, myofascial pain syndrome, postlaminectomy pain syndrome, and fasciitis of the foot. He noted that appellant had a long history of low back pain secondary to a fall in 1990 with a reinjury in 1993 while lifting. Dr. Gould indicated by checking the block marked "yes" that the conditions were work related. However, the Board has held that an opinion on causal relationship which consists only of checking "yes" to a form report question on whether the claimant's disability was related to the history given is of little probative value.⁵ Without any explanation or rationale, such a report is insufficient to establish causal relationship.⁶ Furthermore, there is no accepted injury for 1990 and the accepted 1993 injury was for a slip, not a lifting incident. Due to these deficiencies, this report is not sufficient to establish that appellant sustained a recurrence of disability on February 1, 2000 causally related to his September 3, 1987, December 19, 1989 or November 4, 1993 employment injuries.

In a report dated October 12, 2001, Dr. Gould stated that he performed a caudal epidural steroid injection and noted that appellant's back condition was getting better with decreased lumbar lordosis. However, he did not provide any opinion as to the cause of appellant's condition. Therefore, this report is not sufficient to establish that appellant sustained a

² See *Charles H. Tomaszewski*, 39 ECAB 461, 467 (1988).

³ See *Mary S. Brock*, 40 ECAB 461, 471 (1989); *Nicolea Brusco*, 33 ECAB 1138, 1140 (1982).

⁴ See *Michael Stockert*, 39 ECAB 1186, 1187-88 (1988).

⁵ See *Donald W. Long*, 41 ECAB 142, 146 (1989).

⁶ *Id.*

recurrence of disability on February 1, 2000 causally related to his September 3, 1987, December 19, 1989 or November 4, 1993 employment injuries.

The decisions of the Office of Workers' Compensation Programs dated February 14, 2002 and September 11, 2001 are affirmed.

Dated, Washington, DC
April 15, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member