

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of RILEY J. WILLIAMSON and U.S. POSTAL SERVICE,  
POST OFFICE, London, KY

*Docket No. 03-537; Submitted on the Record;  
Issued April 24, 2003*

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,  
WILLIE T.C. THOMAS

The issue is whether appellant sustained a recurrence of disability from February 6 to April 5, 2001 causally related to his accepted work injury.

Appellant's claim filed on June 28, 2000 after he strained his lower back while mopping floors at work, was accepted for a lumbar strain.<sup>1</sup> A July 3, 2000 computerized tomography (CT) scan showed degenerative disc disease in the lower three lumbar disc spaces and spinal stenosis, but no soft disc herniations.

Appellant returned to limited-duty work on July 7, 2000, had heart surgery in September and returned to limited duty on November 6, 2000. Appellant last worked on February 2, 2001 and retired on disability in September 2001.

Appellant submitted a CA-7 form claiming wage-loss compensation from February 6 to April 5, 2001, based on a January 30, 2001 form report that he should be off work until April 5, 2001.<sup>2</sup> The Office of Workers' Compensation Programs asked appellant for medical evidence establishing disability due to the accepted work injury. The Office added that appellant's physician needed to explain how the two months of disability appellant claimed were connected to the June 2000 injury.

Appellant submitted a March 26, 2001 letter from Dr. Christa U. Muckenhausen, a Board-certified neurologist. Dr. Muckenhausen stated that diffuse bulging at L3-5 and a posterior herniation at L5-S1, as shown by a magnetic resonance imaging scan dated

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<sup>1</sup> An earlier claim filed on June 14, 2000 was also accepted for a back strain.

<sup>2</sup> On March 30, 2001 the employing establishment informed appellant that it could no longer provide a limited-duty assignment within the restrictions set by his physician. Appellant requested a reassignment to light duty, which the employing establishment denied on April 10, 2001 because there were no positions available that would meet his physical restrictions.

February 26, 2001 were related to the June 28, 2000 work injury. She returned appellant to light duties on April 2, 2001, with lifting restrictions of 10 pounds occasionally and a recommendation that he not walk, sit, or stand for more than 30 minutes, depending on his pain level, without taking a break or lying down.

On April 12, 2001 the Office denied appellant's claim for compensation, finding that Dr. Muckenhausen failed to explain how appellant's current back condition was related to the lumbar strain sustained in June 2000. Appellant requested a hearing, which was held on February 21, 2002.

Subsequently, appellant submitted a March 12, 2002 report from Dr. Muckenhausen, which addressed his total permanent disability for work but offered no opinion on causal relationship. On April 30, 2002 the hearing representative denied appellant's claim on the grounds that the medical evidence was insufficient to establish a causal relationship between appellant's current back condition and the accepted injury.

Appellant requested reconsideration and submitted medical records as well as a May 29, 2002 report from Dr. Muckenhausen, who stated:

"It is my neurological opinion within the realm of reasonable medical probability that the disc herniation in the L-S spine area was caused by the work-related accidents of June 14 and June 28, 2000; also, it is in the realm of medical probability that the associated pain syndrome with anxiety, depression, insomnia, concentration and attention span problems are causally related to the work injuries of June 14 and June 28, 2000 of at least 50 percent."

On September 18, 2002 the Office denied appellant's request for reconsideration on the grounds that the medical evidence was insufficient to modify its prior decision. The Office noted that the only new evidence submitted was the May 29, 2002 report from Dr. Muckenhausen, who provided no rationale for her opinion.

The Board finds that appellant has failed to meet his burden of proof to establish a recurrence of disability causally related to the accepted work injury.

When an employee, who is disabled from the job he or she held when injured, returns to a limited or light-duty position or the medical evidence establishes that the employee can perform the duties of such a position, the employee has the burden to establish by the weight of reliable, probative and substantial evidence, a recurrence of total disability.<sup>3</sup> As part of this burden, the employee must show a change in the nature and extent of the light-duty job requirements or a change in the nature and extent of the injury-related condition.<sup>4</sup>

A recurrence of disability is defined as a spontaneous material change in the employment-related condition without an intervening injury.<sup>5</sup> A person who claims a recurrence

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<sup>3</sup> *Terry R. Hedman*, 38 ECAB 222 (1986).

<sup>4</sup> *Glenn Robertson*, 48 ECAB 344, 352 (1997).

<sup>5</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.3.b.(a)(1) (May 1997).

of disability has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability, for which he claims compensation is causally related to the accepted employment injury.<sup>6</sup> To meet this burden of proof, a claimant must 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.<sup>7</sup>

Causal relationship is a medical issue<sup>8</sup> and the medical evidence required to establish a causal relationship, generally, is rationalized medical evidence. This consists of a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors.<sup>9</sup> The physician's opinion must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>10</sup>

In this case, appellant has submitted no evidence showing that his duties at work were changed. Also, the medical evidence is insufficiently probative to establish that appellant's accepted back strain worsened to the extent of preventing him from working or that his disability after February 2, 2001 was causally related to the accepted work injury in June 2000.

In reports dated August 3, 2000 and January 30, 2001, Dr. Muckenhausen diagnosed a back strain, secondary to a work-related injury June 2000, with advanced degenerative disc disease and foraminal stenosis, but did not offer an opinion on causal relationship. In an August 3, 2000 form report, Dr. Muckenhausen diagnosed lumbar radiculopathy and provided physical restrictions but did not address any causal relationship.

In both her March 26, 2001 and May 29, 2002 reports, Dr. Muckenhausen opined that appellant's current back condition was causally related to the June 2000 injury but provided no rationale to support this conclusion. She did not explain how a lumbar strain caused by mopping floors in June 2000 resulted in advanced degenerative disc disease, a herniated disc and stenosis eight months later. While the CT scan showed degenerative changes in July 2000, no herniation was present at that time.

Asked to elaborate, Dr. Muckenhausen offered only a conclusory statement couched in terms of reasonable medical probability. Such an opinion contains no medical explanation for

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<sup>6</sup> *Kenneth R. Love*, 50 ECAB 193, 199 (1998).

<sup>7</sup> *Helen K. Holt*, 50 ECAB 279, 282 (1999).

<sup>8</sup> *Elizabeth Stanislav*, 49 ECAB 540-41 (1998).

<sup>9</sup> *Duane B. Harris*, 49 ECAB 170, 173 (1997).

<sup>10</sup> *Gary L. Fowler*, 45 ECAB 365, 371 (1994).

linking the June 2000 work injury to appellant's current back condition and is thus not rationalized.<sup>11</sup> Therefore, appellant has failed to meet his burden of proof to submit sufficient medical evidence to establish the requisite causal connection between his accepted work injury and his disability from February 2 to April 6, 2001.<sup>12</sup>

The September 18 and April 30, 2002 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC  
April 24, 2003

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

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<sup>11</sup> *Calvin E. King*, 51 ECAB 394, 400 (2000) (numerous form reports from a physician who checked a "yes" box indicating a causal relationship between appellant's spinal stenosis and his employment had little probative value absent supporting rationale and was insufficient to establish causation).

<sup>12</sup> *See Carmen Gould*, 50 ECAB 504, 508 (1999) (finding that a physician's opinion that failed to explain the relationship between appellant's current back condition and the accepted lumbar sprain was insufficient to establish causation and thus failed to meet appellant's burden of proof).