

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KATHY R. BURNS and U.S. POSTAL SERVICE,
POST OFFICE, Raleigh, NC

*Docket No. 03-557; Submitted on the Record;
Issued August 21, 2003*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained a recurrence of disability as of November 15, 2001 causally related to her accepted May 13, 1991 right thumb injury.

On May 13, 1991 appellant, a 32-year-old mail carrier, injured her right thumb when she was struck by a door. She filed a Form CA-1 claim for benefits on May 14, 1991. The claim was handled administratively, and appellant received authorization for medical treatment related to the injury.

In a report dated December 20, 2001, Dr. Kimberly A. Barrie, a Board-certified orthopedic surgeon, diagnosed right thumb metacarpophalangeal (MCP) subluxation with post-traumatic arthritis and right thumb flexor synovitis, and recommended surgery. She considered appellant's thumb injury secondary to an old injury which she sustained "a couple of years ago."

On January 7, 2002 appellant filed a Form CA-2 claim for benefits, alleging that she sustained a recurrence of disability on November 15, 2001 which was caused or aggravated by her May 13, 1991 employment injury. Appellant noted on the form that she sought medical treatment on November 16, 2001 and that x-rays indicated a right thumb subluxation due to an "old injury."

Appellant underwent right thumb joint fusion surgery and pulley release surgery on January 16, 2002.

In a report dated May 15, 2002, Dr. Chrystal Wittcopp, Board-certified in internal medicine, stated that when she examined appellant on November 16, 2001 appellant did not recall any injury but did recall on subsequent visits getting hit in that thumb at work in 1991, which was indicated in her 1991 office notes.

By decision dated May 28, 2002, the Office of Workers' Compensation Programs denied compensation based on recurrence of disability, finding that appellant failed to submit evidence

establishing that her November 16, 2001 injury was causally related to her May 13, 1991 employment injury.

By letter dated June 17, 2002, appellant requested a review of the written record.

In a June 13, 2002 report, Dr. Kimberly A. Barrie, a Board-certified orthopedic surgeon, stated that, as a result of appellant's MCP dislocation at work, she developed significant osteoarthritis of the right thumb MCP joint, as well as inflammatory changes secondary to arthritis. Dr. Barrie further stated that, as a result of the MCP dislocation and subsequent arthritis, appellant developed symptoms of pain and instability; this necessitated a right thumb MCP arthrodesis and A1 pulley release on January 16, 2002. She concluded that "it is clear that the repetitive activities sustained by using the left hand following the MCP dislocation contributed to her osteoarthritis and subsequent need for MCP arthrodeses."

By decision dated November 8, 2002, an Office hearing representative affirmed the May 28, 2002 Office decision.

The Board finds that appellant has not sustained a recurrence of disability as of November 15, 2001 causally related to the May 13, 1991 employment injury.

An individual who claims a recurrence of disability resulting from an accepted employment injury has the burden of establishing that the disability is related to the accepted injury. This burden requires 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 who supports that conclusion with sound medical reasoning.¹

The record contains no such medical opinion. Indeed, appellant has failed to submit any medical opinion containing a rationalized, probative report which relates her disability for work as of November 15, 2001 to her May 13, 1991 employment injury. For this reason, she has not discharged her burden of proof to establish her claim that she sustained a recurrence of disability as a result of her accepted employment injury.

Dr. Wittcopp stated that in her May 15, 2002 report that appellant did not recall any previous thumb injuries on November 16, 2001, the day after her alleged recurrence, but did state during subsequent visits that she remembered getting hit in her right thumb in 1991, as indicated in her 1991 office notes. Dr. Barrie advised that appellant developed significant osteoarthritis of the right thumb MCP joint as well as inflammatory changes secondary to arthritis which resulted from her MCP dislocation at work. In addition, Dr. Barrie stated that, as a result of the MCP dislocation and subsequent arthritis, appellant developed symptoms of pain and instability, which necessitated her January 16, 2002 right thumb MCP arthrodesis and A1 pulley release. Dr. Barrie opined that the repetitive activities in which appellant engaged; *i.e.*, using the left hand following the MCP dislocation, contributed to her osteoarthritis and subsequent need for MCP arthrodeses. These reports, however, do not constitute sufficient medical evidence demonstrating a causal connection between appellant's May 13, 1991 employment injury and her

¹ *Dennis E. Twardzik*, 34 ECAB 536 (1983); *Max Grossman*, 8 ECAB 508 (1956); 20 C.F.R. § 10.121(a).

alleged November 15, 2001 recurrence of disability. Causal relationship must be established by rationalized medical opinion evidence. The opinions of Drs. Wittcopp and Barrie on causal relationship are of limited probative value in that they did not provide adequate medical rationale in support of their conclusions.² They did not describe appellant's accident in any detail or the process through which the May 13, 1991 accident would have been competent to cause the claimed November 15, 2001 recurrence of disability. Moreover, their opinions are of limited probative value for the further reason that they are generalized in nature and equivocal in that they only noted summarily that appellant's current thumb conditions were causally related to the May 13, 1991 employment injury. Therefore, appellant failed to provide a rationalized, probative medical opinion indicating that her current conditions were caused or aggravated by the accepted May 13, 1991 employment injury.

As there is no medical evidence addressing and explaining why the claimed conditions and disability as of November 15, 2001 was caused or aggravated by her May 13, 1991 employment injury, appellant has not met her burden of proof in establishing that she sustained a recurrence of disability.

The November 8, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 21, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

² *William C. Thomas*, 45 ECAB 591 (1994).