

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SHAWN GOODWIN and U.S. POSTAL SERVICE,
POST OFFICE, Washington, DC

*Docket No. 02-1728; Submitted on the Record;
Issued March 3, 2003*

DECISION and ORDER

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

The issue is whether appellant sustained a recurrence of disability causally related to her March 28, 1996 injuries.

On March 28, 1996 appellant, then a 22-year-old letter carrier, alleged that on that day she sustained injuries to her legs while in the performance of duty.

The Office of Workers' Compensation Programs accepted that appellant sustained bilateral leg contusions and a left leg fracture and authorized physical therapy. The Office subsequently authorized left knee arthroscopic surgery and paid appropriate benefits.

In a statement of accepted facts dated August 26, 1996, the Office noted that appellant was totally disabled from July 5, 1996. On September 18, 1996 Dr. Jeffrey D. Sabloff, appellant's treating physician and a Board-certified orthopedic surgeon, performed a left knee arthroscopic procedure.

In a report dated November 14, 1996, Dr. Sabloff stated that appellant was released to restricted duty effective November 18, 1996.

In a report dated November 24, 1998, Dr. Sabloff stated that appellant was released to restricted duty effective July 22, 1997. In a report dated February 23, 1999, he noted that appellant "continues with complaints of her left knee." In a report dated April 13, 1999, Dr. Sabloff stated that appellant's pain was the same but that, since she was pregnant, no medications were administered. In a report dated October 5, 1999, he noted appellant's complaints of bilateral knee pain. In a report dated June 26, 2001, Dr. Sabloff stated that he had not treated appellant since October 1999, that she had since given birth, but that she remained symptomatic with pain in her left knee. He requested authorization for a repeat arthroscopy.

In a July 5, 2001 report, Dr. Sabloff requested authorization for left knee arthroscopy, chondroplasty and a possible meniscectomy.

By letter dated July 24, 2001, the Office advised appellant that it had received information that she may have sustained a recurrence of disability. The Office advised her regarding the kind of evidence she needed to establish her claim.

In a decision dated September 6, 2001, the Office denied appellant's claim for recurrence of disability on the grounds that appellant submitted no medical evidence in response to the Office's July 24, 2001 notice.

The Board finds that appellant failed to establish that she sustained a recurrence of disability causally related to her March 28, 1996 work-related injury.¹

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.²

In this case, the only evidence appellant submitted were several reports dated from February 1999 to July 2001 from Dr. Sabloff in which he noted appellant's complaints of left knee pain. However, he did not attribute her pain to the March 28, 1996 work-related injury. Since appellant presented no medical evidence to support her contention that her knee condition was causally related to her accepted injury, the Office properly denied her claim. Absent a rationalized medical opinion establishing a causal relationship between her alleged recurrence of disability and her work-related injury, the Board affirms the Office's September 6, 2001 decision.

¹ In an Office memorandum dated December 12, 2001, the Office noted that appellant inquired about her claim, and was then informed that her claim had been denied on September 6, 2001 and that the decision was sent to her New Carrollton address. Appellant then stated that she had not received the Office denial and that she had not lived at the New Carrollton address since 1994. She alleged that the Office failed to mail, to her proper address, its September 6, 2001 decision denying her claim for recurrence of disability. Appellant stated that she had moved several times and had not lived at the New Carrollton address since 1994. However, the record does not reveal that appellant advised the Office at any time of a change in address. Further, the record reveals multiple instances of correspondence to appellant using her New Carrollton address after 1994 including a September 4, 1996 letter, an Office award letter dated August 23, 1996 and an Office compensation letter dated October 18, 1996, none of which were returned to the Office. The record also includes a copy of a cancelled check dated August 23, 1996 from appellant which includes her New Carrollton address. Appellant failed to establish that the Office improperly mailed its September 6, 2001 decision.

² *Kenneth R. Love*, 50 ECAB 193 (1998); *Louise G. Malloy*, 45 ECAB 613 (1994); *Lourdes Davila*, 45 ECAB 139 (1993); *Robert St. Onge*, 43 ECAB 1169 (1992).

The September 6, 2001 decision of the Office of Workers' Compensation Programs is affirmed.³

Dated, Washington, DC
March 3, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

³ Upon return of the case record, appellant may file a request for reconsideration with the Office in accordance with 20 C.F.R. § 10.606.