

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAVID A. THOMPSON and U.S. POSTAL SERVICE,
MAIN POST OFFICE, Columbus, OH

*Docket No. 02-2369; Submitted on the Record;
Issued March 4, 2003*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained a recurrence of disability commencing March 20, 2002 causally related to his accepted employment injury.

On July 2, 1998 appellant, then a 48-year-old mail processor, filed an occupational disease claim alleging that on May 29, 1998 he first realized that the lack of feeling in both hands was caused or aggravated by his employment. He submitted employment and medical records in support of his claim.

By letter dated September 11, 1998, the Office of Workers' Compensation Programs accepted appellant's claim for bilateral carpal tunnel syndrome.

The Office received November 30, 2001 treatment notes from Dr. Stephen N. Kolodzik, a Board-certified orthopedic surgeon, indicating that appellant was doing well with his knee pain. He indicated that appellant returned for treatment on that date because of a "recurrence" of his carpal tunnel syndrome symptoms. Dr. Kolodzik noted that appellant's right hand was symptomatic, but mild while his left hand woke him up at night with consistent tingling paresthesia in spite of his brace. He further noted appellant's need to have injections more frequently and that he received one on that date. The Office also received Dr. Kolodzik's March 20, 2002 treatment notes indicating that appellant had a severe "recurrence" of his left carpal tunnel symptoms and that he received an injection on that date. He stated that bilateral release should be considered to decrease appellant's disability. In his April 10, 2002 treatment notes, Dr. Kolodzik's requested authorization to inject cortisone into appellant's left hand due to a severe "recurrence" of his left carpal tunnel syndrome symptoms on March 20, 2002.

By letter dated May 23, 2002, the Office advised Dr. Kolodzik that a review of the record indicated that appellant had sustained a recurrence of his left carpal tunnel syndrome symptoms on March 20, 2002 and that appellant should file a claim. The Office also advised him that appellant should provide medical evidence establishing how his left wrist problems on or about

March 20, 2002 were causally related to his accepted employment injury before authorization could be granted for any further injections.¹

On June 5, 2002 appellant filed a claim alleging that he sustained a recurrence of disability on March 20, 2002. He did not stop work. In support of his claim, appellant submitted Dr. Kolodzik's November 30, 2001 and March 20, 2002 treatment notes. He also submitted Dr. Kolodzik's June 21, 2002 treatment notes indicating that his left carpal tunnel syndrome was getting significantly worse and that his hand had been re-injected for symptom control. He recommended that appellant undergo endoscopic release surgery.

By letter dated July 9, 2002, the Office advised appellant that the evidence submitted was insufficient to establish his claim. The Office requested that appellant submit a rationalized medical opinion establishing the causal relationship between the worsening of his left carpal tunnel syndrome and proposed injection and his accepted employment injury.

By decision dated August 12, 2002, the Office found the evidence of record insufficient to establish that appellant sustained a recurrence of disability on March 20, 2002 causally related to his accepted employment injury.²

The Board finds that appellant has failed to establish that he sustained a recurrence of disability commencing March 20, 2002 causally related to his accepted employment injury.

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 he 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.³

In support of his recurrence claim, appellant submitted the November 30, 2001 and March 20, April 10 and June 21, 2002 treatment notes of Dr. Kolodzik, a Board-certified orthopedic surgeon, indicating that he sustained a "recurrence" of his left carpal tunnel syndrome symptoms. In his March 20 and June 21, 2002 treatment notes, Dr. Kolodzik recommended that appellant undergo bilateral release to decrease his disability. In his April 10, 2002 treatment notes, Dr. Kolodzik's requested authorization to inject cortisone into appellant's left hand. Dr. Kolodzik's treatment notes are insufficient to establish appellant's burden because they failed to explain how appellant's carpal tunnel syndrome symptoms in his left hand was caused or contributed to by his accepted employment injury. Dr. Kolodzik failed to address the causal

¹ In its May 23, 2002 letter, the Office noted that Dr. Kolodzik commented on appellant's knees and advised Dr. Kolodzik that this condition was not covered for treatment.

² Following the issuance of its August 12, 2002 decision, the Office received additional medical evidence. The Board, however, has no jurisdiction to review this evidence for the first time on appeal. *See* 20 C.F.R. § 501.2(c); *Robert D. Clark*, 48 ECAB 422, 428 (1997).

³ *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).

relationship between the need for release surgery and cortisone injection and a full history of treatment of the employment injury.

As appellant has not submitted rationalized medical evidence supporting a causal relationship between his accepted employment injury and a recurrence of disability on March 20, 2002, he has failed to meet his burden of proof.

The August 12, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
March 4, 2003

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member