

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHAEL A. CURRY and DEPARTMENT OF THE ARMY,
CORPS OF ENGINEERS, Hermitage, PA

*Docket No. 03-198; Submitted on the Record;
Issued March 12, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant sustained a recurrence of disability for work beginning September 5, 2000 causally related to his employment injury of May 27, 2000.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized on September 20, 2002 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

The Board notes that there is no medical report of record finding that appellant sustained a recurrence of disability beginning September 5, 2000. Appellant has the burden to establish a claim for a recurrence of disability, which includes the submission of rationalized medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the current disabling condition is causally related to the accepted employment-related condition, and supports that conclusion with sound medical reasoning. The Board finds that appellant was not eligible to continue his employment after September 10, 2001 because he was a temporary employee and his appointment ceased by that date. There is no probative medical evidence from which to conclude that appellant was unable to perform his job duties from June 12 through September 5, 2000.

¹ The Board notes the Office hearing representative's decision contains incomplete case citations. Footnote 1 should read: *Janice J. Green*, 49 ECAB 307 (1998); *John W. Normand*, 39 ECAB 1378 (1988); footnote 2 should read: *Terry Hedman*, 38 ECAB 222 (1986).

Accordingly, the decision of the Office of Workers' Compensation Program dated September 20, 2002 is hereby affirmed.

Dated, Washington, DC
March 12, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member