

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GLENDA HAMLETT-MARINE and U.S. POSTAL SERVICE,
ROSEDALE POST OFFICE, Baltimore, MD

*Docket No. 03-1731; Submitted on the Record;
Issued October 29, 2003*

DECISION and ORDER

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

The issue is whether appellant met her burden of proof to establish that she sustained a recurrence of disability on or after December 6, 2002, causally related to her January 11, 2001 accepted employment injury.

On January 26, 2001 appellant, then a 43-year-old letter carrier, filed a notice of traumatic injury alleging that on January 11, 2001 she stepped in a sink-hole and twisted her right ankle while in the performance of duty. The Office of Workers' Compensation Programs accepted appellant's claim for a right ankle sprain.¹ Appellant returned to a limited-duty position and was released to resume her regular employment on March 15, 2001.

On December 9, 2002 appellant filed a notice of recurrence of disability (Form CA-2a) alleging that on or after December 6, 2002 she was totally disabled due to her January 11, 2001 employment injury. She stated: "I didn't fall or sustain any direct trauma to the previously injured right ankle. While walking in the snow making mail delivery I started to experience pain in my ankle that increased as I continued to walk. I always have minor swelling/pain whenever I walk/stand for long periods."

In support of her claim for recurrence of disability, appellant submitted an emergency room report dated December 7, 2002 diagnosing "right ankle sprain" and checking "yes" that her condition was work related.² Dr. Nicholas P. Georges, a Board-certified radiologist, performed a magnetic resonance imaging (MRI) scan on December 11, 2002 and indicated that appellant had "persistent medial pain and swelling" beginning December 6, 2002 and diagnosed "tibiotalar joint effusion, probable synovial or ganglion cyst arising from the lateral aspect of the

¹ The Office also mistakenly accepted her claim for a thoracic muscle strain but later acknowledged that this was done in error.

² The emergency room physician's name is illegible.

talonavicular joint space, no evidence of tendinous abnormality and nonvisualization of the anterior talofibular ligament likely related to previous trauma.”

Dr. John C. Gordon, a Board-certified orthopedic surgeon, stated that appellant could return to light-duty work on December 10, 2002 with no walking and no weight bearing and could return to regular-duty work on December 30, 2002. He noted: “Right ankle sprain, prognosis good.”

By letter dated April 9, 2003, the Office requested that appellant submit additional factual and medical evidence within 30 days to perfect her claim for recurrence of disability.³ Appellant did not submit any additional evidence.

By decision dated May 29, 2003, the Office denied appellant’s claim for recurrence of disability since the factual and medical evidence submitted did not establish that her condition on or after December 6, 2002 was due to the January 11, 2001 accepted employment injury.⁴

The Board finds that appellant did not meet her burden of proof to establish that she sustained a recurrence of disability on or after December 6, 2002 due to her January 11, 2001 accepted employment injury.

An individual 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 compensation is claimed is causally related to the accepted injury.⁵ This burden includes the necessity of 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 supports that conclusion with sound medical rationale.⁶ Where no such rationale is present, medical evidence is of diminished probative value.⁷

In this case, appellant did not submit a physician’s rationalized medical opinion report establishing that the pain and swelling in her right ankle on or after December 6, 2002 was causally related to the original January 11, 2001 work injury. Appellant did not submit any rationalized medical opinion evidence establishing a causal relationship between her alleged disability beginning December 6, 2002 and the accepted employment injury. On December 7, 2002 the emergency room physician checked “yes” that appellant’s condition was related to her work, however, the Board has held that when a physician’s opinion on causal relationship consists only of checking “yes” to a form question, that opinion has little probative value and is

³ The Office incorrectly noted that appellant’s condition was accepted for right knee sprain, not right ankle sprain.

⁴ In this decision, the Office also incorrectly stated that appellant filed a claim for a right knee sprain, not a right ankle sprain, and also that appellant claimed that she sustained a recurrence of a 1985 back sprain.

⁵ *Charles H. Tomaszewski*, 39 ECAB 461, 467 (1988).

⁶ *Mary S. Brock*, 40 ECAB 461, 471-72 (1989).

⁷ *Michael Stockert*, 39 ECAB 1186, 1187-88 (1988).

insufficient to establish causal relationship.⁸ The physician also did not indicate that appellant was disabled for work. Dr. Georges indicated in the MRI scan report that appellant had positive findings in her right ankle beginning December 6, 2002, however, he did not relate appellant's condition to her employment or mention the January 11, 2001 original employment injury. Appellant did not submit any other rationalized medical evidence regarding a causal relationship between her current condition and the accepted work injury.

The Office informed appellant on April 9, 2003 that she should submit a complete, comprehensive narrative medical report from her physician describing her medical history, the medical findings and a diagnosis, as well as a reasoned opinion regarding the causal relationship between her current condition and/or disability and the January 11, 2001 work injury. Appellant did not submit any additional medical evidence. The Board is unable to review any evidence which was not in the case record at the time of the Office's final decision.⁹

Since appellant did not submit any medical evidence establishing a causal relationship between her condition on or after December 6, 2002 and the accepted employment injury, she did not meet her burden of proof and the Office properly denied her claim for recurrence of disability.

The May 29, 2003 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 29, 2003

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

⁸ *Ruth S. Johnson*, 46 ECAB 237 (1994).

⁹ 20 C.F.R. § 501.2(c); appellant requested that the Board review new evidence on appeal.