

**United States Department of Labor  
Employees' Compensation Appeals Board**

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LINDA M. COLLINS, Appellant

and

U.S. POSTAL SERVICE, POST OFFICE,  
Jourdanton, TX, Employer

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**Docket No. 03-2233  
Issued: January 2, 2004**

*Appearances:*  
*Linda M. Collins, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

ALEC J. KOROMILAS, Chairman  
MICHAEL E. GROOM, Alternate Member  
A. PETER KANJORSKI, Alternate Member

**JURISDICTION**

On September 15, 2003 appellant filed a timely appeal from an Office of Workers' Compensation Programs' merit decision finalized August 18, 2003, which denied modification of a July 24, 2003 decision denying her recurrence of disability claim. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.

**ISSUE**

The issue on appeal is whether appellant has met her burden of proof to establish that she sustained a recurrence of disability on or after February 6, 2003 causally related to her accepted lumbar strain, thoracic strain and lumbosacral spondylosis.

**FACTUAL HISTORY**

On February 20, 2002 appellant, then a 43-year-old postal employee, filed an occupational disease claim alleging that beginning December 3, 2001 she developed back pain due to long hours with a heavy work load, hours of sitting and constant jarring. Appellant originally worked inside as a clerk; however, in October 2001 she replaced a letter carrier and

started delivering mail. She attributed her back condition to her additional work duties. On the reverse side of the claim form, appellant's supervisor indicated that she periodically took sick leave but continued to perform normal clerk duties with weight restrictions following the claimed injury. On April 26, 2002 the Office accepted the claim for lumbar and thoracic strains and lumbosacral spondylosis.

On March 6, 2003 appellant filed a notice of recurrence of disability, commencing on February 6, 2003. Appellant indicated that, upon returning to work, following the original injury, she had restrictions and received physical therapy and cortisone injections. Upon completion of treatment, she returned to her normal duties for approximately a year. Appellant asserted that, on February 6, 2003, she suffered "the same type injury" while performing her carrier duties, caused by the constant jarring and jolts associated with driving a postal vehicle. Appellant stopped work on February 20, 2003.

The record reflects that Dr. Donald Krampetz, an attending osteopath, treated appellant for the original employment injury and following her recurrence of disability claim. In a February 28, 2003 progress report, Dr. Krampetz noted that he gave appellant injections for low back pain on February 6, 2003. On February 19, 2003 appellant was diagnosed with a lumbar disc herniation as shown by magnetic resonance imaging (MRI) scan. In a report dated March 13, 2003, Dr. Krampetz stated that appellant experienced increased back and lower extremity symptoms the prior month due to driving her mail truck more than usual. He diagnosed a lumbar degenerative disc condition with "radiculitis neuritis or sciatica." In an evaluation dated March 21, 2003, Dr. Krampetz ordered rehabilitation and released appellant to work with restrictions of no repetitive bending, twisting or lifting over 25 pounds effective March 24, 2003. In a duty status report dated June 2, 2003, Dr. Krampetz noted that appellant sustained a herniated lumbar disc with a date of injury of December 3, 2001. He indicated that appellant attributed the cause of her condition to delivering mail from the postal vehicle. Dr. Krampetz released appellant to regular duty at that time.

In a letter dated June 4, 2003, the Office advised appellant that the evidence submitted was insufficient to establish her claim and requested additional evidence.

In a letter received June 10, 2003, appellant stated that from the end of January 2003 until February 6, 2003 she performed letter carrier duties similar to those which caused the original injury, and the continual jarring which occurred while driving a postal vehicle on uneven routes caused an increase of her symptoms. She stated that, on February 6, 2003, while on the route, she experienced pain and discomfort and went home early. Thereafter an MRI scan was performed which revealed a herniated disc in the lower lumbar region. She stated that between February 6 and March 18, 2003 she experienced pain caused by the herniated disc pinching a nerve. Appellant submitted CA-7 claims for compensation for wage loss for the period February 7 to June 6, 2003 as a result of her claimed work-related condition.

By decision dated July 24, 2003, the Office denied appellant's recurrence of disability claim on the grounds that the evidence submitted was insufficient to establish that the claimed recurrence resulted from the accepted work injury.<sup>1</sup>

In a letter dated August 7, 2003, appellant requested reconsideration. In support appellant submitted notes dated between March and July 2003 in which Dr. Krampetz reported her symptoms and findings on examination. He diagnosed a lumbar degenerative disc condition with radiculitis neuritis or sciatica. Appellant also submitted a duty status report documenting findings from an examination on March 13, 2003. The report, presumably from Dr. Krampetz, diagnosed a lumbar herniation and indicated a date of injury of February 6, 2003. Under the description of injury as reported by appellant, it was noted that she attributed the injury to delivering mail in a postal vehicle and that "the jarring and jolts caused a recurrence of the previous injury."<sup>2</sup>

By decision dated August 18, 2003, the Office denied modification of the July 24, 2003 decision on the grounds that the medical evidence submitted was insufficient to establish her recurrence of disability claim.

### **LEGAL PRECEDENT**

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between the recurrence of disability commencing February 6, 2003 and her December 3, 2001 employment injury.<sup>3</sup> 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 accepted condition and supports that conclusion with sound medical reasoning.<sup>4</sup>

Causal relationship is a medical issue,<sup>5</sup> and the medical evidence required to establish a causal relationship, generally, is rationalized medical evidence. This consists of a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors.<sup>6</sup> The physician's opinion must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the

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<sup>1</sup> The record also contains a July 2, 2003 decision in which the Office granted appellant a schedule award for a 23 percent monaural hearing loss. This matter is not the subject of the present appeal.

<sup>2</sup> Appellant also submitted a copy of a March 13, 2003 narrative report which had previously been submitted.

<sup>3</sup> *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

<sup>4</sup> *See Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

<sup>5</sup> *Elizabeth Stanislav*, 49 ECAB 540, 541 (1998).

<sup>6</sup> *See Duane B. Harris*, 49 ECAB 170, 173 (1997).

nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>7</sup>

### ANALYSIS

In her claim for recurrence of disability, appellant noted that she sustained the same type of injury beginning on February 6, 2003 after she resumed letter carrier duties in late January 2003 which required that she drive a postal vehicle over uneven routes.<sup>8</sup> Appellant, however, has not submitted rationalized medical evidence establishing that her condition on or after February 6, 2003 was causally related to the accepted lumbar and thoracic strains and lumbosacral spondylosis. The medical evidence of record submitted with the recurrence of disability claim documents appellant's treatment for her herniated lumbar disc which was diagnosed on February 19, 2003 by an MRI scan. Such evidence, however, does not causally relate the diagnosed condition to the originally accepted conditions. In a March 13, 2003 duty status report, Dr. Krampetz, an attending osteopath, indicated that appellant's herniated lumbar disc was caused by a new injury of February 6, 2003 and noted that appellant reported that the injury occurred while she was delivering mail in a postal vehicle and that "the jarring and jolts caused a recurrence of the previous injury." This does not implicate a spontaneous change in appellant's accepted condition; however, Dr. Krampetz has not submitted a rationalized medical opinion relating the lumbar disc herniation to the original injury of 2001 and his reports are insufficient to establish that appellant's recurrence of disability was causally related to the accepted conditions.<sup>9</sup> He merely reported appellant's belief that she sustained a "recurrence of the previous injury" on February 6, 2003.<sup>10</sup>

Appellant submitted several other notes and reports dated between March and July 2003 in which Dr. Krampetz reported her symptoms and findings on examination and diagnosed a lumbar degenerative disc condition with "radiculitis neuritis or sciatica." However, Dr. Krampetz did not indicate in any of these reports that appellant sustained disability on or after February 6, 2003 due to the accepted employment injuries. The record contains no rationalized medical opinion on the cause of appellant's condition or disability to support appellant's belief that her condition on and after February 6, 2003 stemmed from the accepted lumbar and thoracic strains and lumbosacral spondylosis. Therefore, the medical evidence

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<sup>7</sup> See *Gary L. Fowler*, 45 ECAB 365, 371 (1994).

<sup>8</sup> A recurrence of disability is defined as the inability to work after an employee has returned to work, caused by a spontaneous change in the medical condition which had resulted from a previous injury or illness without an intervening injury or new exposure to the work environment. See 20 C.F.R. § 10.5(x).

<sup>9</sup> See *Calvin E. King*, 51 ECAB 394, 400 (2000) (form reports from a physician who checked a "yes" box indicating a causal relationship between appellant's spinal stenosis and his employment had little probative value absent supporting rationale and was insufficient to establish causation).

<sup>10</sup> In a duty status report dated June 2, 2003, Dr. Krampetz noted that appellant sustained a herniated lumbar disc with a date of injury of December 3, 2001 and further indicated that appellant reported the cause as "delivering mail out of the LLV." This report is also of limited probative value due to its lack of medical rationale.

submitted in support of the recurrence of disability claim, including Dr. Krampetz' reports, are insufficient to meet appellant's burden of proof.<sup>11</sup>

**CONCLUSION**

Under the circumstances described above, the Board finds that appellant has failed to meet her burden of proof in establishing that she sustained a recurrence of disability on February 6, 2003 causally related to her December 3, 2001 employment injury.

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 18 and July 24, 2003 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: January 2, 2004  
Washington, DC

Alec J. Koromilas  
Chairman

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>11</sup> See *Carmen Gould*, 50 ECAB 504, 508 (1999) (finding that a physician's opinion that failed to explain the relationship between appellant's current back condition and the accepted lumbar sprain was insufficient to establish causation and thus failed to meet appellant's burden of proof).