

entrapment syndrome following her motor vehicle accident but could return to work with restrictions on August 18, 2003. He stated that appellant's spondylolisthesis "must have resulted from the force of frontal impact [of the motor vehicle accident] due to absence of complaint or antecedent event. Entrapment symptoms in the left hand [are] consistent with mail handling."

On August 5, 2003 appellant alleged a recurrence of disability on May 12, 2003 causally related to her January 30, 2003 employment injury.¹

In a form report dated September 12, 2003, Dr. Brooks indicated that appellant was totally disabled from January 30 to August 18, 2003 due to myofascial and lumbosacral pain and associated paresthesia caused by the January 30, 2003 employment injury.

On September 17, 2003 appellant filed a claim for lost wages for the period May 12 to August 16, 2003.

By decision dated September 30, 2003, the Office denied appellant's recurrence of disability on the grounds that the evidence of record failed to establish that she sustained a recurrence of disability on May 12, 2003 causally related to her January 30, 2003 employment injury.

LEGAL PRECEDENT

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.² 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.³

ANALYSIS

The record shows that appellant was released to full-time regular duty by Dr. Brooks on April 21, 2003.

In a report dated August 12, 2003, Dr. Brooks indicated that appellant was totally disabled as of May 12, 2003 due to cervical strain, myofascial syndrome, spondylolisthesis and entrapment syndrome following her motor vehicle accident. He stated that appellant's

¹ Appellant alleged that she was performing limited duty during the recurrence of disability period of May 12 to August 16, 2003 because she had a work restriction from Dr. Brooks of no overtime work. However, the supervisory portion of attending physician's reports indicated that appellant's regular work schedule was 40 hours a week.

² *Charles H. Tomaszewski*, 39 ECAB 461 (1988).

³ *Lourdes Davila*, 45 ECAB 139 (1993); *Mary S. Brock*, 40 ECAB 461 (1989).

spondylolisthesis “must have resulted from the force of frontal impact [of the motor vehicle accident] due to absence of complaint or antecedent event. Entrapment symptoms in the left hand [are] consistent with mail handling.” However, with the exception of a cervical strain, the diagnoses in this report have not been accepted by the Office as related to the January 30, 2003 employment injury and Dr. Brooks provided insufficient medical rationale explaining how appellant’s myofascial syndrome, spondylolisthesis and entrapment syndrome were causally related to the employment injury. His conclusion that appellant’s spondylolisthesis “must” have resulted from the January 30, 2003 employment-related motor vehicle accident because she did not have this condition prior to the employment injury is not sufficient to establish causal relationship, particularly in light of the fact that he released appellant to regular duty as of April 21, 2003. Dr. Brooks gave no medical rationale to explain how appellant’s myofascial syndrome was causally related to her January 30, 2003 employment injury. He attributed appellant’s entrapment syndrome to mail handling rather than to the January 30, 2003 employment injury. Due to these deficiencies, this report is not sufficient to establish that appellant sustained a recurrence of disability on May 12, 2003 causally related to her January 30, 2003 employment injury.

In a form report dated September 12, 2003, Dr. Brooks indicated that appellant was totally disabled from January 30 to August 18, 2003 due to myofascial and lumbosacral pain and associated paresthesia caused by the January 30, 2003 employment injury. However, he did not explain how these conditions caused appellant’s disability. Such an explanation is particularly important because this report conflicts with his earlier release of appellant to regular duty on April 21, 2003. This report is therefore not sufficient to establish that appellant sustained a recurrence of disability on May 12, 2003 causally related to her January 30, 2003 employment injury.

CONCLUSION

Appellant failed to provide medical evidence establishing that she sustained a recurrence of disability on May 12, 2003 causally related to her January 30, 2003 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated September 30, 2003 is affirmed.

Issued: May 21, 2004
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member