

2001 decisions denying her claim for a recurrence of disability on September 12, 1994. By decision dated February 5, 2002, the Board affirmed the April 4 and March 2, 2001 Office decisions. The Board's August 21, 2003 and February 5, 2002 decisions are incorporated herein by reference.²

On August 19, 2004 appellant requested reconsideration and provided additional evidence. A May 24, 2004 decision from the Social Security Administration found that appellant had a disability beginning on September 16, 1994 due to her lumbar disc disease, spinal stenosis and emotional condition.

By decision dated August 26, 2004, the Office denied modification of the March 3, 2003 decision, denying appellant's claim for a recurrence of disability.

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.³ 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.⁴

Recurrence of disability means an inability to work after an employee has returned to work, caused by a spontaneous change in a medical condition which had resulted from a previous injury or illness without an intervening injury or new exposure to the work environment that caused the illness.⁵

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's claimed condition became apparent during a period of employment nor her belief that her condition was aggravated by her employment is sufficient to establish causal relationship.⁶

ANALYSIS

In support of her August 19, 2004 request for reconsideration, appellant submitted a May 24, 2004 decision of an administrative law judge finding that appellant was disabled under

² On February 10, 1994 appellant sustained a lumbosacral strain when she slipped on ice and fell. She was released to return to regular work on July 11, 1994. On October 4, 2000 appellant filed a claim for a recurrence of disability on September 12, 1994.

³ *Charles H. Tomaszewski*, 39 ECAB 461 (1988).

⁴ *Lourdes Davila*, 45 ECAB 139 (1993).

⁵ 20 C.F.R. § 10.5(x).

⁶ *Walter D. Morehead*, 31 ECAB 188 (1979).

the Social Security Act. However, the May 24, 2004 Social Security Administration decision is not dispositive of appellant's entitlement to benefits under the Federal Employee's Compensation Act. The Board has held that entitlement to benefits under one federal act does not establish entitlement to benefits under the Federal Employees' Compensation Act. In determining whether an employee is disabled under the Federal Employees' Compensation Act, the findings of the Social Security Administration are not determinative of disability under the Federal Employees' Compensation Act. The Social Security Act and the Federal Employees' Compensation Act have different standards of medical proof on the question of disability. Under the Federal Employees' Compensation Act appellant's injury or occupational disease must be shown to be causally related to an accepted injury or factors of his or her federal employment. Under the Social Security Act, conditions which are not employment related may be taken into consideration in rendering a disability determination.⁷ For this reason, the evidence submitted does not establish her claim for a recurrence of disability.

CONCLUSION

The Board finds that the evidence submitted by appellant fails to establish that she sustained a recurrence of disability on September 12, 1994 causally related to her February 10, 1994 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated August 26, 2004 is affirmed.

Issued: April 7, 2005
Washington, DC

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

⁷ See *Daniel Deparini*, 44 ECAB 657 (1991); *Hazelee K. Anderson*, 37 ECAB 277 (1986).