



related as of May 3, 1999. The Office accepted the claim for bilateral carpal tunnel syndrome, cervical radiculopathy and lumbar degenerative disc disease.

On August 25, 2005 appellant filed a Form CA-2a claim for benefits, alleging that he sustained a recurrence of his disability as of September 1, 2004 causally related to his accepted carpal tunnel, cervical and degenerative lumbar disc conditions. He submitted a November 29, 2004 report from Dr. Nydia Brugueras, a specialist in internal medicine. Dr. Brugueras reviewed appellant's medical history and stated that she initially examined him on September 8, 2004, when he related severe neck pain, dizziness, low back pain, parasthesis in each hand, frequent dizziness, palpations, occasional chest pain, difficulty breathing and fatigue. On October 15, 2004 appellant related that he experienced continued neck and low back pain, in addition to cardiological pain. Dr. Brugueras advised that, on November 29, 2004, appellant stated that he was experiencing severe neck pain, headaches and dizziness. She opined that appellant could return to work for three hours per day with restrictions, but his disabilities were permanent, with progressive deterioration. Dr. Brugueras concluded that appellant could not perform the essential functions of his job, even with accommodations.

By letter dated September 21, 2005, the Office advised appellant that it required additional factual and medical evidence to determine whether he was eligible for compensation benefits based on a recurrence of disability. The Office asked appellant to submit a medical report from his treating physician containing an opinion as to whether his claimed condition as of September 1, 2004 was causally related to his accepted employment conditions.

By decision dated November 14, 2005, the Office denied appellant compensation for a recurrence of his accepted bilateral carpal tunnel, cervical and degenerative lumbar disc conditions.

Appellant requested reconsideration and submitted an August 15, 2006 report from Dr. Brugueras, who essentially reiterated her previous findings and conclusions.

By decision dated November 9, 2006, the Office denied modification of the November 14, 2005 decision.

### **LEGAL PRECEDENT**

An individual who claims a recurrence of disability resulting from an accepted employment injury has the burden of establishing that the disability is related to the accepted injury. This burden requires 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 who supports that conclusion with sound medical reasoning.<sup>1</sup>

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<sup>1</sup> *Dennis E. Twardzik*, 34 ECAB 536 (1983); *Max Grossman*, 8 ECAB 508 (1956); 20 C.F.R. § 10.121(a).

## ANALYSIS

Appellant has failed to submit any medical opinion containing a rationalized, probative report which relates his condition or disability as of September 1, 2004 to his accepted bilateral carpal tunnel, cervical and degenerative lumbar disc conditions. For this reason, he has not discharged his burden of proof to establish his claim that he sustained a recurrence of disability as a result of his accepted employment conditions.

The only medical evidence which appellant submitted consisted of the reports from Dr. Brugueras. The weight of the medical opinion is determined by the opportunity for and thoroughness of examination, the accuracy and completeness of physician's knowledge of the facts of the case, the medical history provided, the care of analysis manifested and the medical rationale expressed in support of stated conclusions.<sup>2</sup> Dr. Brugueras' reports provided a history of appellant's injury and a diagnosis of his current conditions and indicated generally that appellant complained of disabling pain as of September 1, 2004, but did not contain a probative, rationalized medical opinion sufficient to establish that appellant's disability as of September 1, 2004 was causally related to his accepted bilateral carpal tunnel, cervical and degenerative lumbar disc conditions.

Dr. Brugueras noted in her November 29, 2004 report that appellant related severe neck pain, dizziness, low back pain, parasthesis in each hand, frequent dizziness, palpations, occasional chest pain, difficulty breathing and fatigue during the September 8, 2004 examination. Appellant continued to relate complaints of pain during his October 15 and November 29 2004 visits, in addition to cardiological pain and headaches. Dr. Brugueras advised that appellant could return to work for three hours per day with permanent restrictions, but could not return to his preinjury job. She opined that he would continue to experience progressive deterioration.

Dr. Brugueras' report did not contain sufficient medical evidence demonstrating a causal connection between appellant's employment-related condition and his alleged recurrence of disability. Causal relationship must be established by rationalized medical opinion evidence. Dr. Brugueras did not explain the medical process through which any of appellant's accepted conditions would have been competent to cause the alleged recurrence of disability. Dr. Brugueras' opinion, therefore, is of limited probative value as it does not contain any medical rationale explaining how or why appellant's accepted condition is causally related to his alleged recurrence of disability.<sup>3</sup> Appellant has thus failed to submit evidence to show he sustained a worsening of his bilateral carpal tunnel, cervical and degenerative lumbar disc conditions or was totally disabled from all work after September 1, 2004. As he did not submit medical evidence sufficient to establish that he sustained a recurrence of his work-related bilateral carpal tunnel, cervical and degenerative lumbar disc conditions, the Office denied compensation for a recurrence of disability in its November 14, 2005 decision.<sup>4</sup>

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<sup>2</sup> See *Ann C. Leanza*, 48 ECAB 115 (1996).

<sup>3</sup> *William C. Thomas*, 45 ECAB 591 (1994).

<sup>4</sup> *Id.*

Following the November 14, 2005 decision, appellant submitted Dr. Brugueras' August 15, 2006 report. Dr. Brugueras noted appellant's increasing difficulties with his bilateral carpal tunnel, cervical and degenerative lumbar disc conditions and reiterated that appellant could only return to work on a limited basis, with numerous restrictions, and was permanently disabled from working as a laundry worker. This report, however, did not address the causal connection, if any, between appellant's employment-related conditions and his alleged recurrence of disability. While Dr. Brugueras' reports stated findings and provided diagnoses of appellant's current conditions, she failed to provide an explanation of how appellant's bilateral carpal tunnel, cervical and degenerative lumbar disc conditions would cause or contribute to his alleged disability as of September 1, 2004.

Dr. Brugueras, therefore, failed to submit probative, rationalized medical evidence sufficient to establish that appellant's current condition was causally related to his accepted May 1999 conditions. Appellant has therefore failed to submit sufficient medical evidence supporting his claim that he sustained a recurrence of his employment-related disability as of September 1, 2004. The Office properly found that appellant was not entitled to compensation based on a recurrence of disability.

#### **CONCLUSION**

The Board finds that appellant has not met his burden to establish that he was entitled to compensation for a recurrence of disability as of September 1, 2004 causally related to his accepted bilateral carpal tunnel, cervical and degenerative lumbar disc conditions.

**ORDER**

**IT IS HEREBY ORDERED THAT** the November 9, 2006 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: May 7, 2007  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board