



while pulling a hose. He did not stop work.<sup>1</sup> The Office accepted appellant's claim for a left knee sprain.

On October 12, 2006 appellant filed a claim alleging that he sustained a recurrence of disability on May 15, 2005. He alleged that he was seeking medical treatment only and that he developed an abscess in his bottom left molar, which coincided with the original point of impact and fracture of his jaw on June 5, 1995.

In an October 10, 2006 report, Dr. Mike Hagley, a dentist, noted that on January 5, 1995 appellant was seen for a blow to the mandible. He indicated that appellant related that "he had been hit with a piece of wood in the jaw." Appellant felt a "snapping" followed by pain and swelling. Dr. Hagley conducted an examination and advised that it showed a "previously nonexistent space between teeth numbers 27 and 28. The occlusion did not match between the upper and lower dentition." Dr. Hagley noted that x-rays showed three fractures of the mandible. He indicated that they included a fracture through the right ascending ramus, one through the body between 27 and 28; and one through the left angle. Dr. Hagley advised that appellant's teeth numbers 27 and 28 were mobile and that tooth number 5 had a fracture of the buccal cusp. He referred appellant to an oral surgeon. Dr. Hagley noted that, on June 7, 2006, they discovered that tooth number 19 had no bone around the roots of the tooth and once it was removed it discovered that "the tooth had two vertical root fractures which obviously caused the rapid, severe bone loss." He indicated that this created a question as to whether the fracture could be a sequel. Dr. Hagley opined that it was a "likely sequel to a severe blow to the mandible." He added that these "sorts of problems do not always manifest themselves immediately post trauma." Dr. Hagley determined that "it is possible that the blow to the mandible in 1995 may have led to the failure of tooth number 19 in 2006, especially in the absence of any subsequent injury to the area."

By letter dated November 28, 2006, the Office advised appellant that it had received his claim for a recurrence related to "teeth and jaw problems." The Office indicated that appellant's claim under File No. 100451293 was originally accepted for a left knee injury of August 17, 1995 and there was no evidence documenting any dental condition from June or August 1995 until the receipt of Dr. Hagley's report. Appellant was further advised that Dr. Hagley's report was "equivocal" and he must provide an "unequivocal opinion as to why current tooth/jaw problems are believed to be attributable to the injury which occurred in 1995. He was allotted 30 days to submit the additional evidence.

In a letter dated December 15, 2006, appellant advised the Office that he had provided the Office with the wrong file number originally and that it should have been File No. 100445080. He explained that while working for the employing establishment he was struck in the jaw by a falling tree, which resulted in a triple fracture of his mandible. Appellant noted that his dentist believed that it was the cause of the fractured root and abscess which required removal of his tooth.

By letter dated December 18, 2006, the Office advised appellant that he should file a new recurrence claim under File No. 100445080 and send it to the Office. Appellant was further

---

<sup>1</sup> The record reflects that appellant has a June 5, 1995 jaw injury under File No. 100445080.

advised that he had 30 days from November 28, 2006 to provide any further information under the current File No. 100451293. No additional evidence was received.

In a decision dated January 9, 2007, the Office denied appellant's recurrence claim. The Office found that the factual and medical evidence did not establish that the claimed recurrence resulted from the accepted work injury of a left knee problem under File No. 100451293. The Office found that the medical evidence failed to show the relationship between his current jaw condition and the original left knee injury.

### **LEGAL PRECEDENT**

A claimant seeking compensation under the Federal Employees' Compensation Act<sup>2</sup> has the burden of establishing the essential elements of his claim by the weight of the reliable, probative and substantial evidence.<sup>3</sup> In this case, appellant has the burden of establishing that he sustained a recurrence of a medical condition causally related to his accepted occupational disease. 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 condition is causally related to the accepted conditions and supports that conclusion with sound medical rationale.<sup>4</sup> Where medical rationale in support of the physician's opinion is not present, the medical evidence is of diminished probative value.<sup>5</sup>

Office regulations define a recurrence of medical condition as the documented need for further medical treatment after release from treatment of the accepted condition when there is no work stoppage. Continued treatment for the original condition is not considered a renewed need for medical care, nor is examination without treatment.<sup>6</sup> In order to establish that his claimed recurrence of the condition was caused by the accepted injury, medical evidence of bridging symptoms between his present condition and the accepted conditions must support the physician's conclusion of a causal relationship.<sup>7</sup>

### **ANALYSIS**

The Office accepted that on August 17, 1995 appellant sustained a left knee sprain in the performance of duty. He subsequently alleged that he sustained a recurrence of disability commencing on May 15, 2005. The Office requested that appellant provide medical evidence that would establish a causal relationship between his current conditions and his present disability.

---

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Mary A. Ceglia*, 55 ECAB 626 (2004).

<sup>4</sup> *See id.*

<sup>5</sup> *Id.*

<sup>6</sup> 20 C.F.R. § 10.5(y).

<sup>7</sup> *See supra* note 3.

The Board notes that appellant informed the Office that he had filed the claim under the wrong file number. He alleged that his claim was related to a June 5, 1995 employment injury when he was struck in the jaw by a piece of wood and submitted evidence comprised of an October 10, 2006 report from Dr. Hagley, who discussed a January 5, 1995 employment injury where appellant was struck in the jaw. Dr. Hagley did not provide any opinion or rationale attempting to relate appellant's jaw and teeth problems to his left knee injury. Furthermore, he did not appear to be aware of a left knee injury. Thus, appellant has not submitted any medical reports indicating any need for continuing medical treatment attributable to the original August 17, 1995 left knee employment injury.

It is appellant's burden of proof to submit a physician's rationalized opinion on the issue of whether there is a causal relationship between his diagnosed condition and the implicated employment factors.<sup>8</sup> He did not do so in this case. Accordingly, the Board finds that appellant has not met his burden of proof as he has not submitted a reasoned medical opinion explaining why his recurrence of a medical condition beginning May 15, 2005 was caused or aggravated by the August 17, 1995 employment injury. On appeal, appellant notes that submission of the "correct file number." The Board notes that its review is limited to review of final decision of the Office. The Office advised appellant to file a new recurrence claim under the injury case file associated with the injury to his jaws. This aspect of the case has not been adjudicated by the Office.

### CONCLUSION

The Board finds that appellant has not met his burden to establish that he sustained a recurrence on May 15, 2005 that was causally related to his August 17, 1995 employment injury.<sup>9</sup>

---

<sup>8</sup> *Calvin E. King*, 51 ECAB 394 (2000).

<sup>9</sup> On appeal, appellant indicated that he wished to appeal the denial based on the submission of the correct File No. 100445080. However, the January 9, 2007 decision that appellant appealed is part of File No. 100451293. The record for File No. 100445080 is not before the Board on the present appeal. Should appellant wish to pursue any issue in File No. 100445080, he should contact the Office regarding how to proceed under File No. 100445080 for his jaw condition.

**ORDER**

**IT IS HEREBY ORDERED THAT** the January 9, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 10, 2007  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board

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