

FACTUAL HISTORY

On August 18, 1980 appellant, then a 22-year-old electrician, filed a traumatic injury claim alleging that he injured his upper back that day while pulling and carrying cable down.¹ The Office accepted the claim for a thoracic back sprain.²

On March 9, 2009 appellant filed a notice of recurrence (Form CA-2a) for medical treatment only and referenced claim numbers xxxxxx972, xxxxxx112, xxxxxx202 and xxxxxx270. In support of his claim, he submitted a September 3, 1980 attending physician's report and his August 18, 1980 traumatic injury claim form.

In a May 15, 2009 letter, the Office informed appellant that it had received his March 9, 2009 claim requesting additional medical care. It asked that he submit the information noted on an attached recurrence development checklist. The Office further notified appellant to submit a narrative report from an attending physician addressing his need for continuing medical treatment, the extent of any disability and its relationship to his accepted employment injury. It provided appellant 30 days to submit the requested information. Appellant did not respond.

By decision dated June 17, 2009, the Office denied appellant's claim for a recurrence of a medical condition on the grounds that he did not submit sufficient medical evidence to establish that the current need for treatment was due to his accepted injury.

LEGAL PRECEDENT

A recurrence of a medical condition is defined in the Office's regulations and procedure manual as the documented need for further treatment of the accepted condition when there has been no work stoppage.³ When a claim for a recurrence of medical condition is made more than 90 days after release from medical care, an employee is responsible for submitting a medical report that contains a description of objective findings and supports causal relationship between the employee's current condition and the previous work injury.⁴ In order to establish that a claimed recurrence of medical condition was caused by the accepted injury, medical evidence

¹ This was assigned claim number xxxxxx112. The record reveals that this claim was combined with claim number xxxxxx772, which was assigned as the master file number, and the case was closed on November 7, 2007. Other claims combined with claim number xxxxxx772 as the master file include claim numbers xxxxxx972, xxxxxx270 and xxxxxx202. Under claim number xxxxxx270, the Office accepted multiple lumbar and thoracic spine subluxations due to a January 5, 1982 employment injury. It accepted multiple cervical and thoracic spine subluxations due to an August 6, 1984 employment injury under claim number xxxxxx202. Under claim number xxxxxx972, the Office accepted the condition of aggravation of cervical spine strain due to a November 5, 1980 employment injury.

² Appellant retired effective November 2, 2007.

³ *J.F.*, 58 ECAB 124 (2006); *Mary A. Ceglia*, 55 ECAB 626, 629 (2004); 20 C.F.R. § 10.5(y); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.3(a) (January 1998).

⁴ *J.F.*, *id.*; Federal (FECA) Procedure Manual, *id.* at Chapter 2.1500.5(b) (September 2003).

bridging the symptoms between the present condition and the accepted injury must support the physician's conclusion of a causal relationship.⁵

Causal relationship is a medical issue and the evidence generally required to establish causal relationship is rationalized medical opinion evidence.⁶ Rationalized medical opinion evidence includes a physician's rationalized opinion on whether there is a causal relationship between the employee's diagnosed condition and the compensable employment factors.⁷ The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the employee.⁸

ANALYSIS

The Office accepted that appellant sustained a thoracic back sprain as a result of pulling and carrying cable on August 18, 1980. The issue is whether he sustained a recurrence of a medical condition on March 9, 2009, causally related to the August 18, 1980 employment injury.

Appellant did not submit any medical evidence in support of his claim for medical cares related to his August 18, 1980 injury. The only evidence received was a September 3, 1980 attending physician's report and a copy of his August 18, 1980 traumatic injury claim form. The Office notified him on May 15, 2009 of the deficiencies in his claim and that he was required to submit medical evidence to support his claim. However, appellant did not respond within the allotted time.

An award of benefits may not be based on surmise, conjecture, speculation or upon a claimant's own belief that there is causal relationship between his claimed condition and his employment.⁹ As appellant has failed to submit any medical evidence containing a rationalized opinion establishing that he sustained a recurrence of medical condition on March 9, 2009, the Board finds that he has not met his burden of proof.¹⁰

CONCLUSION

The Board finds that appellant did not establish that he sustained a recurrence of medical condition on March 9, 2009, causally related to the August 18, 1908 employment injury.

⁵ See *Ricky S. Storms*, 52 ECAB 349 (2001).

⁶ *I.J.*, 59 ECAB ____ (Docket No. 07-2362, issued March 11, 2008); *Sedi L. Graham*, 57 ECAB 494 (2006).

⁷ *D.G.*, 59 ECAB ____ (Docket No. 08-1139, issued September 24, 2008); *Michael S. Mina*, 57 ECAB 379 (Docket No. 05-1763, issued February 7, 2006).

⁸ *I.J.*, *supra* note 6; *Roy L. Humphrey*, 57 ECAB 238 (Docket No. 05-1928, issued November 23, 2005); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁹ *S.S.*, 59 ECAB ____ (Docket No. 07-579, issued January 14, 2008); *Paul E. Thams*, 56 ECAB 503 (2005).

¹⁰ See *J.F.*, *supra* note 3; *Mary A. Ceglia*, *supra* note 3; *Joan R. Donovan*, 54 ECAB 615 (2003).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated June 17, 2009 is affirmed.

Issued: May 6, 2010
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

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