

scan dated June 18, 1986 revealed bulging discs at L3-4 and L4-5. Appellant continued to work light duty in 1992. The Office accepted that she sustained a recurrence of disability on August 10, 1992. Appellant retired on December 31, 1994.

Appellant filed a recurrence of disability claim on July 23, 2009 and alleged that she began experiencing spasms in her back beginning in May 2009. The Office contacted her and she indicated that she sought additional medical treatment. Dr. Daryl Rosenbaum, a physician, examined appellant on August 18, 2009 and noted that she sustained employment injuries in 1981 and 1988 and diagnosed chronic low back pain. He found tenderness throughout the soft tissues of the lumbar region. Dr. Rosenbaum recommended physical therapy. Appellant submitted physical therapy notes dated September 3 to October 12, 2009.

The Office conducted a telephone conference with appellant on March 16, 2010. Appellant reported that her recurrence occurred on May 26, 2009 and that she was retired.

In a letter dated March 16, 2010, the Office requested additional factual and medical evidence from appellant in support of her claim. It allowed 30 days for a response. On March 25, 2010 appellant responded that she experienced back pain every day and that her flare-up on May 26, 2009 lasted for several weeks.

By decision dated April 21, 2010, the Office denied appellant's claim for a recurrence of disability finding that she failed to submit the sufficient medical evidence to establish a causal relationship between her disability as of May 26, 2009 and her accepted employment injuries.

LEGAL PRECEDENT

A 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. This term also means an inability to work that takes place when a light-duty assignment made specifically to accommodate an employee's physical limitations due to his or her work-related injury or illness is withdrawn or when the physical requirements of such an assignment are altered so that they exceed his or her established physical limitations.¹ Appellant has the burden of establishing by the weight of the substantial, reliable, and probative evidence, a causal relationship between her recurrence of disability commencing May 26, 2009 and her November 16, 1981 employment injury.² This burden includes that 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 employment factors and supports that conclusion with sound medical reasoning.³

¹ 20 C.F.R. § 10.5(x).

² *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

³ *See Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

ANALYSIS

The Office accepted that appellant sustained a chronic lumbar strain as a result of her accepted employment injuries in 1981 and 1982. Appellant retired from the employing establishment in 1994. She filed a recurrence of disability in 2009 commencing May 26, 2009 noting that her back condition required medical attention. In support of her claim, appellant submitted an August 18, 2009 report from Dr. Rosenbaum, who noted the employment injuries in 1981 and 1988 but did not describe the nature of the employment incidents or the accepted conditions. Dr. Rosenbaum examined appellant finding tenderness through the soft tissues of the lumbar region and diagnosed chronic low back pain.

The Board finds that Dr. Rosenbaum's report is not sufficiently detailed or reasoned to establish a recurrence of disability due to her accepted employment injuries. Dr. Rosenbaum did not list the details of appellant's accepted employment injuries or address how her current back condition in 2009 related to those injuries. He did not address any bridging medical evidence or offer adequate medical reasoning supporting that appellant's current condition was related to her accepted employment injuries. Due to these deficiencies in Dr. Rosenbaum's report, the Board finds that the medical evidence is not sufficient to establish that appellant sustained a recurrence of disability on May 26, 2009.

Appellant also submitted several physical therapy notes. A physical therapist is not a physician under the Federal Employees' Compensation Act.⁴ As these notes were not signed by a physician, they have no probative value in establishing appellant's claim.⁵

CONCLUSION

The Board finds that appellant has not submitted the necessary medical opinion evidence to establish that her alleged recurrence of disability on May 26, 2009 is causally related to her accepted employment injuries.

⁴ 5 U.S.C. §§ 8101-8193, 8101(2); *Thomas R. Horsfall*, 48 ECAB 180 (1996).

⁵ *Merton J. Sills*, 39 ECAB 572 (1988).

ORDER

IT IS HEREBY ORDERED THAT the April 21, 2010 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 3, 2011
Washington, DC

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

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

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