

December 16, 2009 OWCP accepted the claim for lumbar back and left knee sprains and paid compensation benefits.² Appellant received wage-loss compensation from December 1, 2009 through June 1, 2010.

On February 11, 2015 appellant filed a claim for a recurrence of medical treatment under OWCP File No. xxxxxx142. She also noted that her knee and back conditions had worsened since March 3, 2007.

By letter dated February 27, 2015, OWCP informed appellant as to the definition of a recurrence for medical treatment and that the evidence submitted was insufficient to support her claim for additional medical treatment due to her accepted employment injury. It advised as to the medical and factual evidence required to support her claim and gave her 30 days to provide the requested information. OWCP noted that a review of the record showed that appellant had been released from medical care for the accepted employment conditions on June 2, 2010.

In a March 27, 2015 statement, appellant stated that the pain and swelling has been ongoing since 2009, 2012, and March 24, 2015.

By decision dated April 3, 2015, OWCP denied appellant's claim for a recurrence of her accepted medical conditions. It found that she had been released from medical care due to her accepted condition on November 12, 2012. OWCP found that, while appellant had submitted her statement, she had failed to submit any medical evidence showing that she required additional medical treatment because her accepted employment injuries worsened without intervening cause. In addition, it noted that there appeared to be an intervening cause as she sustained a new injury since the October 16, 2009 injury.

LEGAL PRECEDENT

Recurrence of a medical condition means a documented need for further medical treatment after release from treatment for the accepted condition or injury when there is no accompanying work stoppage. Continuous treatment for the original condition or injury is not considered a need for further medical treatment after release from treatment, nor is an examination without treatment.³

Appellant has the burden of establishing that she sustained a recurrence of a medical condition that is causally related to her accepted employment injury. To meet her burden, she must furnish 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 employment injury and supports that conclusion with sound medical rationale.⁴ Where no such rationale is present, the medical evidence is of diminished probative value.⁵

² This was assigned OWCP File No. xxxxxx142.

³ 20 C.F.R. § 10.5(y) (2002); *J.H.*, Docket No. 15-0633 (issued July 10, 2015).

⁴ *O.H.*, Docket No. 15-0778 (issued June 25, 2015); *Ronald A. Eldridge*, 53 ECAB 218 (2001).

⁵ *Mary A. Ceglia*, 55 ECAB 626 (2004); *Albert C. Brown*, 52 ECAB 152 (2000).

ANALYSIS

The Board finds that appellant has not established a recurrence of a medical condition. OWCP accepted her October 16, 2009 traumatic injury claim for lumbar back and left knee sprains. Appellant has claimed the need for additional medical treatment. However, she has failed to submit medical evidence to establish that she required further treatment because of a continuing employment-related condition, related to the October 16, 2009 injury.

Appellant has claimed entitlement to compensation for medical treatment as of February 11, 2015. She has failed to submit medical evidence to show that she required further treatment because of a continuing employment-related condition, related to her October 16, 2009 injury.

On February 27, 2015 OWCP requested that appellant submit additional medical evidence to support her need for continued treatment. No medical evidence was submitted. The only evidence appellant submitted was her statement responding to questions posed by OWCP in its February 27, 2015 letter.

Appellant must submit an attending physician's report that contains a description of the objective findings and supports a causal relationship between her current medical condition and the previously accepted lumbar back and left knee sprains.⁶ She has the burden of submitting sufficient medical evidence to document the actual need for further specific medical treatment.⁷ Appellant submitted no medical evidence in support of her claim for recurrence and thus failed to establish a need for continuing medical treatment.

An award of compensation may not be based on surmise, conjecture, speculation, or upon appellant's own belief that there was a causal relationship between her condition and her employment.⁸

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish a recurrence of her accepted medical conditions.

⁶ See *V.P.*, Docket No. 14-1557 (issued December 2, 2014). OWCP's procedures provide that, after 90 days of release from medical care (based on the physician's statement or instruction to return as needed or computed by the claims examiner from the date of last examination), a claimant is responsible for submitting an attending physician's report which contains a description of the objective findings and supports causal relationship between the claimant's current condition and the previously accepted work injury. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.4(b) (June 2013).

⁷ *Mary A. Ceglia*, 55 ECAB 626 (2004); *Albert C. Brown*, 52 ECAB 152 (2000).

⁸ *S.S.*, 59 ECAB 315 (2008); *Patricia J. Glenn*, 53 ECAB 159, 160 (2001).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated April 3, 2015 is affirmed.

Issued: November 19, 2015
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board