

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROWLAND R. FIELDS, SR. and U.S. POSTAL SERVICE,
POST OFFICE, Houston, Tex.

*Docket No. 96-2040; Submitted on the Record;
Issued July 9, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant's back condition is causally related to the October 1993 employment injury.

The Board has duly reviewed the case record and finds that appellant has not established that his back condition is causally related to the October 1993 employment injury.

On April 17, 1995 appellant, then a 58-year-old custodian, filed a claim for a traumatic injury, Form CA-1, alleging that in October 1993 he slipped on the floor and hurt his back. Appellant missed a couple days of work in February 1995 and returned to light-duty work. Appellant submitted medical evidence to support his claim including a duty status report from Dr. Trung Pham, an internist, dated February 10, 1995, a disability note from Dr. Richard C. Lock, dated March 8, 1995, a medical report from Dr. Mark Laurents, a chiropractor, dated October 17, 1995, and medical records from MacGregor Medical Association, dated from January 13, 1994 to October 11, 1995.

In his February 10, 1995 report, Dr. Pham noted appellant's symptoms of pain in his back, neck, wrist and fingers to exertion and palpitation and stated that there was no injury and that appellant's problems were due to an organic condition. He diagnosed osteoarthritis and stated that appellant could perform light work from February 4 to February 18, 1995. In his March 8, 1995 disability note, Dr. Lock diagnosed polyarthrititis and excused appellant from his work, which required repetitive bending or pushing. By letter dated May 6, 1995, the Office of Workers' Compensation Programs requested additional information from appellant including a medical report from his treating physician addressing the connection between his condition and the October 1993 employment injury.

By decision dated June 28, 1995, the Office denied appellant's claim, stating that the evidence of record failed to establish that an injury was sustained as alleged.

By letter dated December 18, 1995, appellant requested reconsideration of the Office's decision and submitted Dr. Laurents' October 17, 1995 report. In his October 17, 1995 report, Dr. Laurents performed a physical examination, reviewed an August 24, 1995 magnetic resonance imaging scan showing multitude of levels of disc injury coupled with arthrosis and reviewed an electromyogram and nerve conduction studies, which showed L5-S1 radiculopathy. He stated that appellant had a history of chronic diabetes and chronic osteoarthritis and appellant claimed that running a polishing device at work caused extreme torsion right and left to the spine. Dr. Laurents stated that appellant could not pinpoint a date the pain began. He stated that appellant had a kidney condition, which might have aggravated his back and that it was also possible he had diabetic neuropathy.

By decision dated February 1, 1996, the Office denied appellant's reconsideration request.

By letter dated April 5, 1996, appellant requested reconsideration of the Office's decision and submitted the medical records from MacGregor Medical Association dated from January 13, 1994 through October 11, 1995. The medical records document that appellant had a history of hyperlipidemia and diabetes and had a lumbar back strain, generalized myalgia and arthralgia, suspected secondary to osteoarthritis and polyarthritis. The records state that appellant hurt his back mowing lawns, performing repetitive bending and stripping and buffing floors at work.

By decision dated April 15, 1996, the Office denied appellant's reconsideration request.

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was filed within the applicable time limitation of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition, for which compensation is claimed is causally related to the employment injury.¹ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.²

The medical evidence required to establish a causal relationship, generally, is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 claimant.³

¹ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

² *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

³ *Gary L. Fowler*, 45 ECAB 365, 371; *Ern Reynolds*, 45 ECAB 690, 695 (1994).

In the present case, appellant has not presented any evidence showing that his current back condition is causally related to his federal employment. Dr. Pham's February 10, 1995 report, in which he diagnosed osteoarthritis states that appellant had no injury and his problems were due to an organic medical condition. Dr. Pham, therefore, did not relate appellant's back problem to his federal employment. Dr. Lock's March 3, 1995 disability note, in which he diagnosed polyarthritis does not address the cause of appellant's condition. Dr. Laurents October 11, 1995 report in which Dr. Laurents diagnosed history of chronic diabetes, chronic osteoarthritis, L5-S1 radiculopathy and multitude levels of disc injury, states that appellant's kidney problem might have aggravated his back condition, but otherwise does provide an opinion on the cause of appellant's condition. Further, Dr. Laurents is a chiropractor and since there were no subluxations demonstrated by x-ray, he is not considered a physician within the meaning of the Act and, therefore, his report is not probative.⁴ The MacGregor Medical Association records dated from January 13, 1994 to October 11, 1995, which document that appellant had a lumbar back strain, a history of hyperlipidemia and diabetes and generalized myalgia and arthralgia do not provide opinions as to the cause of appellant's condition. None of the medical evidence of record contains the requisite medical rationale to establish that appellant's back condition is causally related to his federal employment. Although the Office provided appellant with the opportunity, appellant did not present sufficient evidence to establish his claim.

Accordingly, the decisions of the Office of Workers' Compensation Programs dated April 15 and February 1, 1996 and June 28, 1995 are hereby affirmed.

Dated, Washington, D.C.
July 9, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member

⁴ See *Kathryn Haggerty*, 45 ECAB 383, 389-90 (1994).