

U. S. DEPARTMENT OF LABOR
Employees' Compensation Appeals Board

In the Matter of BERNADETTE MOFIELD and U.S. POSTAL SERVICE,
POST OFFICE, Bradenton, FL

*Docket No. 97-2842; Submitted on the Record;
Issued August 24, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury to her middle back that was causally related to factors of her federal employment.

On October 3, 1995 appellant, then a 33-year-old rural mail carrier, filed a notice of traumatic injury and claim, alleging that she sustained injury to her middle back while in the performance of duty. By decision dated September 20, 1996, the Office of Workers' Compensation Programs denied appellant's claim for compensation on the grounds that the evidence of record did not establish that the claimed condition was causally related to factors of her federal employment.

The Board has duly reviewed the entire case record and finds that appellant has not established that she sustained an injury to her back which was causally related to factors of her federal employment.

An award of compensation may not be based on surmise, conjecture, speculation or appellant's belief of causal relationship.¹ The Board has held that the mere fact that a disease or condition manifests itself during a period of employment does not raise an inference of causal relationship between the condition and the employment.² Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the employment caused or aggravated her condition is sufficient to establish causal relationship.³ While the medical opinion of a physician supporting causal relationship does not have to reduce the cause

¹ *Williams Nimitz, Jr.*, 30 ECAB 567, 570 (1979); *Miriam L. Jackson Gholikely*, 5 ECAB 537, 538-39 (1953).

² *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

³ *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

or etiology of a disease or condition to an absolute certainty,⁴ neither can such opinion be speculative or equivocal. The opinion of a physician supporting causal relationship must be one of reasonable medical certainty that the condition for which compensation is claimed is causally related to federal employment and such relationship must be supported with affirmative evidence, explained by medical rationale and be based upon a complete and accurate medical and factual background of the claimant.⁵

In the present case, appellant contended that she sustained injury to her middle back while loading a vehicle with mail trays. In support of her claim, appellant submitted a medical report which she believed corroborated her claim for benefits. In a report dated June 20, 1996, Dr. Michael, a Board-certified neurosurgeon, indicated that appellant injured her back in October 1995 while she was picking something up. He reported that since that time she had exacerbations and remissions of her condition and that a magnetic resonance imaging (MRI) scan was performed in March 1996 which revealed degenerative disc disease and a central disc herniation at the L4 to L5 level. By letter dated August 16, 1996, the Office requested that appellant submit additional medical information, including a rationalized medical report which provided a history of injury, a history of medical treatment and a discussion of whether the diagnosed condition was causally related to appellant's federal employment. The Office also requested that appellant submit additional factual information concerning why she had delayed medical treatment, the names and statements of any people who witnessed the incident and a description of her medical condition as of the date of injury. In a letter dated August 29, 1996, appellant indicated that although she sustained pain in her middle back on October 2, 1995, she did not seek immediate medical attention because she thought she could correct the condition by conventional methods. She also indicated that her condition worsened during the time period between the time of the injury and the date she first received medical treatment. The medical report by Dr. King is not sufficient to meet appellant's burden of proof as it does not contain a complete medical history nor provide any rationale for his medical conclusion. Therefore, his opinion is of limited probative value as it does not contain an accurate and complete history⁶ and does not provide a definitive conclusion concerning whether appellant's diagnosed condition was causally related to the October 2, 1995 incident. As appellant has not submitted any rationalized medical evidence which indicates that her diagnosed condition is causally related to factors of her federal employment she has not established her burden of proof.

⁴ See *Kenneth J. Deerman*, 34 ECAB 641 (1983).

⁵ See *Margaret A. Donnelly*, 15 ECAB 40 (1963); *Morris Scanlon*, 11 ECAB 384 (1960).

⁶ *James A. Wyrich*, 31 ECAB 1805 (1980).

The decision of the Office of Workers' Compensation Programs dated September 20, 1996 is hereby affirmed.

Dated, Washington, D.C.
August 24, 1999

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member