

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LUCINDA CARSON and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION CONNECTICUT HEALTH CARE SYSTEM,
West Haven, CT

*Docket No. 98-1939; Submitted on the Record;
Issued February 10, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that she had a back condition and chronic pain condition causally related to factors of her employment.

On November 15, 1997 appellant, then a 48-year-old secretary, filed a claim for chronic pain of the chest, left breast, back, neck and shoulders. She indicated that she had been making trips to the hospital for chest pain, which was diagnosed as chest wall strain. She also noted that she had fallen out of her chair in 1995. In an April 2, 1998 decision, the Office of Workers' Compensation Programs rejected appellant's claim on the grounds that she had not met her burden of proof in establishing that her condition was causally related to her employment.

The Board finds that appellant has not met her burden of proof in establishing that her chronic pain condition was causally related to factors of her employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed;¹ (2) a factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;² and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.³

¹ See *Ronald K. White*, 37 ECAB 176, 178 (1985).

² See *Walter D. Morehead*, 31 ECAB 188, 194 (1979).

³ See generally *Lloyd C. Wiggs*, 32 ECAB 1023, 1029 (1981).

The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence, which includes a physician's rationalized 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,⁴ must be one of reasonable medical certainty,⁵ 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.⁶

Appellant indicated that her duties required typing, posting timecards, sorting mail including magazines, books and parcels, filing and picking up mail from another building. She related that on January 11, 1995 she bent down to pick up papers off the floor when her chair rolled out from under her, causing her to fall to the floor. The chair rolled back, hit the wall and fell on appellant. She indicated that she sustained injuries to the upper back, right hand, right hip, neck and shoulders. She stated that on April 30, 1997, while typing, she felt severe pain and tightness in her chest, shoulders, neck and left breast, which led to a sensation of weakness in her arms and hands. She noted that the constant movement of her shoulders, arms and neck made the pain worse.

Appellant submitted numerous medical reports and records. A January 11, 1995 dispensary note reported her fall off her chair and noted that she had cuts, bruises, swelling and tenderness along the vertebrae. Subsequent dispensary reports noted that appellant complained of a dull ache in her arms. Reports from December 10 and December 30, 1995 indicated that appellant was treated for chest pain, pain between the shoulder blades and difficulty in breathing. In an April 6, 1996 report, a physician with an illegible signature indicated that appellant was seen for pain in the upper chest, radiating to the shoulder blades. In a July 14, 1997 report, Dr. James Koh, a Board-certified orthopedic surgeon, stated that he had been following appellant for radicular pain since December 7, 1995. He submitted his treatment notes from December 7, 1995 through July 27, 1997, showing that he had been treating appellant for pain in the neck and chest. He diagnosed stenosis of the cervical canal with radicular pain. A February 6, 1990 computerized axial tomography (CAT) scan showed congenital stenosis of the cervical spine. In a February 18, 1998 report, Dr. Murugesapillai Ganesan, a Board-certified internist, indicated that he had been treating appellant since December 1995 for left chest and bilateral shoulder pains, which seemed to be mostly muscular-type pains. He commented that most of these pains seemed to come from the type of work appellant was doing. In a July 27, 1996 report, Dr. Ilan Kinori, a Board-certified radiologist, stated that x-rays of the lumbar and thoracic regions of the spine were normal except for mild lumbar and moderate thoracic degenerative changes of the vertebrae. An October 23, 1997 CAT scan showed spinal stenosis at the L4-5 level. Out of all the medical records submitted by appellant, only Dr. Ganesan made any reference to the cause of appellant's chest, shoulder and back pains, noting that they seemed to come from appellant's

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

work. This statement is equivocal and speculative and, therefore, has limited probative value. Appellant has not submitted any other medical evidence, which specifically describes the physiological mechanisms by which the duties of her job caused her pain. Appellant, therefore, has not met her burden of proof in establishing that her condition was related to her employment.

The decision of the Office of Workers' Compensation Programs, dated April 2, 1998, is hereby affirmed.

Dated, Washington, D.C.
February 10, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member