

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CYNTHIA L. JOHNSON and DEPARTMENT OF HOUSING &
URBAN DEVELOPMENT, Washington, DC

*Docket No. 01-967; Submitted on the Record;
Issued November 29, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant sustained an injury to her neck and back on March 10, 1998 that was causally related to an employment factor.

On March 11, 1998 appellant filed a claim for a traumatic injury, stating that on March 10, 1998 she fell on her right knee while exiting an elevator. Appellant noted that she was recovering from a February 3, 1998 fall.

By letter received by the Office of Workers' Compensation Programs on May 1, 2000, appellant requested that her back and neck conditions be covered, as she injured these areas in her March 10, 1998 fall onto her right knee. By letter dated May 10, 2000, the Office advised appellant that it needed rationalized medical opinion evidence on the relationship between her back and neck conditions and her March 10, 1998 injury.

By decision dated June 15, 2000, the Office found that the medical evidence was insufficient to establish that appellant's neck and back condition were causally related to her March 10, 1998 incident.

By letter dated September 22, 2000, appellant requested reconsideration and submitted additional medical evidence.

By decision dated January 8, 2001, the Office found that appellant had not established through rationalized medical evidence that her back and neck conditions were causally related to her March 10, 1998 employment injury.

The Board finds that appellant has not established that she sustained an injury to her neck and back on March 10, 1998.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused or adversely affected by her employment. As

part of this burden she must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.¹

Appellant submitted medical evidence that was generally supportive of the proposition that her March 10, 1998 injury aggravated her neck and back condition. In a report dated August 14, 1998, Dr. S.I. Naidu stated: “You did have preexisting degenerative disc disease of the back and neck and your falls on the dates you mentioned [February 3 and March 10, 1998] caused the aggravation of same. You were treated for acute cervical strain, acute left shoulder strain and acute lumbar strain appropriately.” In a report dated July 6, 2000, Dr. Naidu stated that appellant “did have preexisting degenerative disc disease of her back and neck and both falls of February 3 and March 10, 1998, did aggravate this condition. She did not sustain any new injuries from the fall of March 10, 1998, just aggravation of same.” These reports are not sufficient to meet appellant’s burden of proof because they contain no rationale,² which is especially important because appellant was already being treated for a cervical strain and acute lumbar strain at the time of her March 10, 1998 employment injury.

In a report dated November 2, 1999, Dr. Jeffrey Wener stated that if the history provided by appellant was accurate, her cervical and lumbar strains were the result of her falls. However, in a report dated June 27, 2000, Dr. Wener stated that he did not have any first-hand knowledge as to how the March 10, 1998 fall caused neck and back pain, or first-hand knowledge that the cervical and lumbar strains were caused by the fall. Dr. Wener also stated that he could not tell “if the pain appellant is feeling now is caused by the fall or degenerative changes.” Appellant has not met her burden of proving that she sustained an injury to her neck and back on March 10, 1998.

¹ *Froilan Negron Marrero*, 33 ECAB 796 (1982).

² Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee’s burden of proof. *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

The decisions of the Office of Workers' Compensation Programs dated January 8, 2001 and June 15, 2000 are affirmed.

Dated, Washington, DC
November 29, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member