

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of STEPHANIE N. ENGLISH and U.S. POSTAL SERVICE,  
POST OFFICE, West Chicago, IL

*Docket No. 02-1152; Submitted on the Record;  
Issued July 1, 2003*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained an injury to her back in the performance of duty.

On April 16, 2001 appellant, then a 26-year-old distribution clerk, filed a notice of traumatic injury, Form CA-1, alleging that on February 1, 2001, while at work, she lifted a bundle of magazines from a box. She stated that when she "raised up" she "felt an awful pain" in her "rear end and shooting down" her leg. She alleged that she sustained "right pinched sciatica and inguinal and lower back musculoskeletal strain." On the reverse of the form, appellant's supervisor indicated that appellant stopped work on February 16, 2001 and returned to work on February 26, 2001.<sup>1</sup>

Evidence of record includes work qualification reports dated February 1, 15 and 26, March 12, April 4 and 9, 2001. These reports are signed by Dr. Bruce Goldberg, a Board-certified orthopedist. These reports diagnosed appellant's condition as lumbosacral sprain and sciatica and provided work limitations. Dr. Goldberg also checked the box on the forms, indicating that appellant's condition was work related.

In a May 8, 2001 letter, the Office of Workers' Compensation Programs advised appellant that the information submitted in her claim was not sufficient to determine whether appellant was eligible for benefits under the Federal Employees' Compensation Act,<sup>2</sup> because the evidence failed to support a work-related injury. In particular, appellant was advised to submit a comprehensive medical report providing an accurate history of her alleged injury. The

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<sup>1</sup> The record indicates that appellant also filed a claim for recurrence of disability beginning February 1, 2001. The recurrence claim pertains to a different claim file. This claim was adjudicated separately and is not before the Board on the present appeal.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

Office requested that the physician's report contain the doctor's reasoned opinion on the cause of appellant's back ailments.

In response to the Office's May 8, 2001 letter, appellant submitted a response to the questions posed in the Office's letter.

Additionally, appellant submitted an April 16, 2001 report from Dr. Goldberg, who noted that appellant originally presented complaining of "chronic, intermittent, recurring back" pain that started on February 1, 2001. Dr. Goldberg noted that appellant stated that her pain began when she was "bending over and fixing something." Dr. Goldberg documented a history of office visits on February 26, March 12, April 2 and 30, 2001. He noted that the x-rays demonstrated no acute skeletal changes and magnetic resonance imaging and electrodiagnostic studies demonstrated no significant pathology.

By letter dated April 30, 2001, the employing establishment challenged appellant's claim for compensation and requested that the claim be denied. Appellant filed a response to the employing establishment's letter.

By decision dated June 20, 2001, the Office denied appellant's claim. The Office found that, although the medical evidence supported a diagnosis of lumbosacral strain and sciatica, the evidence of record did not establish that appellant's condition was caused by factors of her employment.

Appellant requested a review of the written record. In addition to her request, appellant submitted copies of medical reports which were previously submitted, and two letters, dated February 28 and April 18, 2001.

By decision dated January 14, 2002, the Office hearing representative affirmed the Office's June 20, 2001 decision. The Office hearing representative found that the medical evidence submitted did not support appellant's claim that she sustained an injury due to the February 1, 2001 work incident.

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury to her back in the performance of duty on February 1, 2001.

An employee seeking benefits under the Act<sup>3</sup> has the burden of establishing that 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 timely filed within the applicable time limitation period 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 are causally related to the employment injury.<sup>4</sup> These are essential elements of each and

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<sup>3</sup> 5 U.S.C. §§ 8101-8193.

<sup>4</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>5</sup>

In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.<sup>6</sup>

The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.<sup>7</sup>

In the instant case, it is not disputed that appellant experienced the claimed incident on February 1, 2001. However, there is insufficient medical evidence to establish that she sustained an injury to her back on February 1, 2001. Appellant submitted several form reports from Dr. Goldberg that supported causal relation by checking a box “yes.” However, form reports supporting causal relation with a checkmark are of limited probative value in the absence of any medical rationale explaining the basis of the opinion.<sup>8</sup> None of the form reports provided an explanation for the opinion on causal relation. Dr. Goldberg provided an April 16, 2001 report. However, this report is not sufficient to establish the claim as the doctor did not specifically offer an opinion regarding whether the February 1, 2001 incident caused or aggravated an injury.<sup>9</sup>

As noted above, part of appellant’s burden of proof includes the submission of medical evidence establishing that the claimed condition is causally related to employment factors. As appellant has not submitted such evidence, she has not met her burden of proof in establishing her claim.

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<sup>5</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>6</sup> *Elaine Pendleton*, *supra* note 4.

<sup>7</sup> *See* 20 C.F.R. § 10.115(e); *Gary Fowler*, 45 ECAB 365 (1994).

<sup>8</sup> *Alberta S. Williamson*, 47 ECAB 569 (1996).

<sup>9</sup> Medical evidence that does not offer any opinion regarding the cause of an employee’s condition is of limited probative value on the issue of causal relationship. *Willie M. Miller*, 53 ECAB \_\_\_\_ (Docket No. 02-328, issued July 25, 2002.)

The decision of the Office of Workers' Compensation Programs dated January 14, 2002 is hereby affirmed.

Dated, Washington, DC  
July 1, 2003

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member