

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MELVINA S. GARDNER and U.S. POSTAL SERVICE,
POST OFFICE, Huntsville, Ala.

*Docket No. 97-2129; Submitted on the Record;
Issued April 22, 1999*

DECISION and ORDER

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

The issue is whether appellant has established that her neuropathy, multiple muscle skeletal disorders, depression and insomnia are causally related to the May 28, 1994 employment injury.

The Board has duly reviewed the case record in the present appeal and finds that appellant has not met her burden of proof.

The facts in this case indicate that on May 28, 1994 appellant, then a 45-year-old mail handler, sustained an employment-related lumbar strain. She stopped work that day, received appropriate continuation of pay and compensation and returned to limited duty on June 22, 1994. On December 12, 1995 she filed a Form CA-8 claim for compensation for the period November 12 through December 8, 1995. On March 15, 1996 appellant signed a job offer for the position of modified mailhandler, to work 10:00 p.m. to 6:00 a.m. Appellant noted that she was signing under "despair and duress" and that the offer was against her physicians orders.

Following further development, by decision dated April 22, 1996, the Office of Workers' Compensation Programs denied appellant's claim for compensation for the period November 12 through December 8, 1995 on the grounds that the medical evidence was insufficient to establish entitlement. In a letter of that same day, the Office informed appellant that the medical evidence of record was insufficient to establish that the diagnosed neuropathy, multiple muscle skeletal disorders, depression and insomnia were causally related to the employment injury. She was given 30 days to furnish a medical report containing a rationalized opinion regarding how these conditions were caused, aggravated, accelerated or precipitated by the employment injury. On May 6, 1996 appellant faxed an undated report from her treating internist, Dr. Celia Lloyd-Turney. By letter dated May 8, 1996, the Office informed appellant that the medical evidence remained insufficient and notified her that she should file a Form CA-2 claim

for occupational disease regarding her diagnosed carpal tunnel syndrome.¹ Appellant submitted additional evidence and, in a December 5, 1996 decision, the Office found the medical evidence insufficient to establish a causal relationship between the employment injury and the claimed conditions. Appellant requested reconsideration and, by decision dated December 18, 1996, the Office denied the request on the grounds that she neither raised a substantive legal question or submitted new and relevant evidence. The instant appeal followed.

The medical evidence relevant to the issue in this case includes a March 12, 1996 report in which Dr. Lloyd-Turney advised:

“[Appellant] is suffering from neuropathy, muscle skeletal disorders/multiple, depression and insomnia associated with her work. We have treated [her] for some time now and some improvement has been noted. To return [her] to a schedule of work that will disrupt her biorhythm can be detrimental to her health.

“It is my opinion that [she] be allowed to work daytime hours because this is most suitable to her overall medical condition. Any changes may cause [her] to relapse and make her permanently disabled.”

In the report faxed to the Office on May 6, 1996, Dr. Lloyd-Turney advised that appellant had complained of left shoulder and arm pain associated with numbness since her employment injury.

Causal relationship is a medical issue,² and the medical evidence required to establish a causal relationship 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 Medical evidence of bridging symptoms between the current condition and the accepted injury must support a physician’s conclusion of a causal relationship.⁴

In this case, appellant claims that other conditions not accepted or approved by the Office are related to the May 28, 1994 employment-related lumbar strain. She bears the burden of proof to establish that these conditions are causally related to the employment injury and the

¹ The record contains a report dated February 22, 1996, in which Dr. Tejanand G. Mulpur noted a history of numbness and tingling in the left upper and lower extremity. An electromyographic study dated March 6, 1996 demonstrated mild left carpal tunnel syndrome.

² *Mary J. Briggs*, 37 ECAB 578 (1986).

³ *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *See Leslie S. Pope*, 37 ECAB 798 (1986).

Board finds that she has not met that burden.⁵ While Dr. Lloyd-Turney diagnosed neuropathy, multiple muscle skeletal disorders, depression and insomnia and stated that these conditions were employment related in a brief March 12, 1996 report, she gave no reason for this conclusion or explained how these conditions were related to the May 28, 1994 employment injury. It is well established that medical conclusions unsupported by rationale are of diminished probative value⁶ and, as this is the only medical evidence directly supporting a causal relationship between the May 28, 1994 lumbar strain and her current complex of conditions, the Board finds that appellant has not met her burden of proof.⁷

The decisions of the Office of Workers' Compensation Programs dated December 18 and 5, 1996 are hereby affirmed.

Dated, Washington, D.C.
April 22, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member

⁵ A claimant seeking compensation under the Federal Employees' Compensation Act has the burden of establishing the essential elements of her claim by the weight of the reliable, probative and substantial evidence, including that any specific condition or disability for work, for which she claims compensation is causally related to her employment injury. *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁶ See *Lourdes Davila*, 45 ECAB 139 (1993).

⁷ See *Jacquelyn L. Oliver*, 48 ECAB ____ (Docket No. 94-2519, issued December 18, 1996).