

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DEBRA S. KOEPP and DEPARTMENT OF VETERANS AFFAIRS,  
MEDICAL CENTER, Sheridan, Wyo.

*Docket No. 97-2138; Submitted on the Record;  
Issued April 19, 1999*

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DECISION and ORDER

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

The issue is whether appellant has established that her back condition is causally related to her June 28, 1995 employment incident.

The Office of Workers' Compensation Programs accepted that the June 28, 1995 incident, for which appellant filed a claim for compensation on June 29, 1995, occurred as alleged: appellant slipped and fell in a muddy area. By decision dated July 8, 1996, the Office denied appellant's claim on the basis that the evidence did not establish that her condition or disability was causally related to this incident. Appellant requested reconsideration, and the Office, by decision dated August 19, 1996, found that the evidence in support of this request was repetitious and not sufficient to warrant review of its prior decision.

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.<sup>1</sup>

The Board finds that appellant has not met her burden of proof.

Appellant has not submitted any medical evidence stating that her condition, her attending physician's recommendation for surgery, or her disability from October 17, 1995 to February 7, 1996, is causally related to her June 28, 1995 slip and fall. The bulging disc found on appellant's August 29, 1995 magnetic resonance imaging (MRI) scan was also present on a

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<sup>1</sup> *Froilan Negron Marrero*, 33 ECAB 796 (1982).

September 27, 1991 MRI, and thus could not have been caused by the June 28, 1995 slip and fall. Dr. John I. Moseley indicated that appellant was totally incapacitated from October 17, 1995 to January 17, 1996 and recommended surgery, but did not indicate this disability or need for surgery was related to appellant's June 28, 1995 slip and fall. Appellant's chiropractor, Dr. Brian A. Husske, noted appellant's June 28, 1995 slip and fall in an August 2, 1995 report, but did not indicate, in this or any of his other reports, that the diagnosed conditions -- L4 disc inflammation, L4 subluxation, and pain with spine extension -- were related to the June 28, 1995 slip and fall. Dr. Richard A. Nelson stated in an August 22, 1995 report that appellant's condition had "probably been exaggerated and aggravated by ongoing day to day wear and tear and job-related circumstances," but this does not lend any support to appellant's claim that her condition is due to her June 28, 1995 slip and fall, of which Dr. Nelson showed no awareness. The same is true of the reports of Dr. Moseley and Dr. Meredith Miller: they do not reflect an awareness of appellant's June 28, 1995 slip and fall. As the medical evidence does not establish that appellant's back condition is causally related to her June 28, 1995 slip and fall, the Office properly denied her claim.

The decisions of the Office of Workers' Compensation Programs dated August 19 and July 8, 1996 are hereby affirmed.

Dated, Washington, D.C.  
April 19, 1999

Michael J. Walsh  
Chairman

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member