

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CHARLIE F. SPRAGLEY and U.S. POSTAL SERVICE,  
POST OFFICE, Jersey City, N.J.

*Docket No. 97-2298; Submitted on the Record;  
Issued April 16, 1999*

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DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant's cervical condition is causally related to factors of his federal employment.

The Board has given careful consideration to the issue involved, the contentions of appellant on appeal and the entire case record. The Board finds that the September 5, 1996 decision of the hearing representative of the Office of Workers' Compensation Programs is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.

On April 1, 1997 appellant requested reconsideration of the Office's decision and submitted a report from Dr. Steven G. Dorsky, a Board-certified orthopedic surgeon, dated November 4, 1996 and a magnetic resonance imaging (MRI) scan dated April 23, 1997. In his November 4, 1996 report, Dr. Dorsky considered appellant's history of injury, performed a physical examination, and reviewed cervical x-rays showing low level degeneration throughout the spine and an MRI scan showing "sizable" herniated disc at C3-4 with a probable extrude fragment posterior to the body of C4 and a small herniated disc at C4-5 and C5-6. He stated:

"It is most likely the case, that [appellant's] herniated disc can be attributed to the work-related incident. Repetitive motions such as moving his head back and forth can very easily be the attributing factor to the patient developing a cervical herniated disc as was the case and required surgery."

On April 25, 1997 a district medical adviser stated:

"[W]e all move our necks up and down, side to side, etc., are part of activities of daily living. If there was no specific neck trauma I feel that his occupation can not be considered a cause of his cervical discal disease." *[sic]*

The April 23, 1997 MRI scan showed, *inter alia*, postsurgical changes at the C3-4 and C4-5 levels with a history of fusion and discectomies, degenerative changes at C5-6 with bony

hypertrophy as well as posterior disc protrusion associated with early osteophyte formation, and degenerative disc changes at C6-7 with asymmetric protrusion of the left posterior disc margin.

None of the evidence appellant submitted is sufficient to establish that his cervical condition is causally related to factors of his federal employment. Dr. Dorsky's November 4, 1996 report is not probative because it is speculative in that Dr. Dorsky opined that it was "most likely the case" that appellant's herniated disc could be attributed to "the work-related incident." Dr. Dorsky also was general and speculative in stating that "repetitive motions such as moving his head back and forth can very easily be the attributing factor to the patient developing a cervical herniated disc as was the case and required surgery." He also did not explain what he meant by the "work-related incident." In his April 25, 1997 report, the district medical adviser stated that moving our necks up and down and side to side is part of daily living and if there were no specific trauma, appellant's occupation could not be considered a part of his cervical disease. The Board has held that speculative or equivocal medical reports are of diminished probative value.<sup>1</sup> Further, medical evidence which is general in nature rather than specific to appellant is also not probative.<sup>2</sup> Dr. Dorsky's opinion is too speculative and general to establish a causal relationship between appellant's cervical condition and factors of his federal employment. The April 23, 1997 MRI scan is not probative as it merely documents appellant's cervical condition but does not address causation. Although the Office provided appellant with the opportunity, appellant did not present the requisite medical evidence to establish his claim.

The decisions of the Office of Workers' Compensation Programs dated July 1, 1997 and October 29, 1996 are hereby affirmed.

Dated, Washington, D.C.  
April 16, 1999

Willie T.C. Thomas  
Alternate Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>1</sup> *Alberta S. Williamson*, 47 ECAB 569, 574 (1996); *William S. Wright*, 45 ECAB 498, 504 (1994).

<sup>2</sup> *See Durwood H. Nolin*, 46 ECAB 818 (1995).