

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELFA G. CARREJO and DEPARTMENT OF JUSTICE,
IMMIGRATION & NATURALIZATION SERVICE, Los Angeles, CA

*Docket No. 99-2501; Submitted on the Record;
Issued September 18, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has established that she sustained tendinitis causally related to factors of her federal employment.

On May 4, 1999 appellant, then a 60-year-old investigative assistant, filed an occupational disease claim alleging that she had tendinitis causally related to factors of her federal employment. Appellant related that she "was removing files from cabinet drawers, inputting information on a database and returning files to their original place. At an unexpected time, while entering data, I felt a severe pain in my left hand going all the way to my neck." Appellant stopped work on April 22, 1998 and returned to work on May 4, 1999.

Appellant submitted a disability certificate dated May 4, 1999 from Dr. Stephen T. Curry, a chiropractor, who indicated that she could return to work on May 4, 1999 with a support for her left wrist.

By letter dated May 20, 1999, the Office of Workers' Compensation Programs informed appellant of the additional factual and medical information necessary to establish her claim for tendinitis. The Office further notified appellant that a chiropractor was only considered a physician for the treatment of a back condition under certain circumstances and advised her to seek the opinion of an orthopedic physician.

In a statement dated June 7, 1999, appellant listed the activities she performed daily as part of her assigned duties. She related that she "felt a sudden pain starting in my left hand, neck and back. I was entering data and twisting to the left to replace the files onto the chair when I first felt this pain." She stated that the following day she told her supervisor about her continued pain. Appellant further related that she had a pending traumatic injury claim for an injury to her lower back.

In a first report of occupational injury or illness form dated April 30, 1999, Dr. Curry noted that appellant related a history of injury of pain in her left hand and neck while typing. He listed objective findings of decreased range of motion of the cervical spine, tenderness of the wrist and proximal thumb and a positive left Phalen's test and Prayer's sign. Dr. Curry diagnosed cervical sprain, left wrist tendinitis and a subluxation at C7. He checked "yes" that the findings were consistent with appellant's account of injury and opined that appellant could return to her regular employment on May 1, 1999.

By decision dated June 28, 1999, the Office denied appellant's claim on the grounds that the evidence was insufficient to establish that the claimed condition was causally related to the performance of her employment duties.

The Board finds that appellant has not established that she sustained tendinitis causally related to factors of her federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.¹

Chiropractors are defined as "physicians" under section 8101(2) of the Federal Employees' Compensation Act "only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation of the spine as demonstrated by x-ray to exist and subject to regulation by the Secretary."² If a chiropractor's reports are not based on a diagnosis of subluxation as demonstrated by x-ray to exist, they do not constitute competent medical evidence to support a claim for compensation.³

In support of her claim, appellant submitted a report dated April 30, 1999 from Dr. Curry, a chiropractor, who noted that she related a history of injury of pain in her left hand and neck while typing. Dr. Curry diagnosed cervical sprain, left wrist tendinitis and a subluxation at C7. However, there is no indication that Dr. Curry based his finding of a subluxation on an x-ray report and, therefore, his opinion is not considered competent medical evidence. Further, the Board has held chiropractic opinions to be of no probative value on the treatment of conditions

¹ *Lourdes Harris*, 45 ECAB 545, 547 (1994).

² 5 U.S.C. § 8101(2).

³ *Cheryl L. Veale*, 47 ECAB 607 (1996).

beyond the spine. As a chiropractor may only qualify as a physician in the diagnosis and treatment of spinal subluxation, his or her opinion is of probative medical value only with regard to the spine.⁴ Thus, even if Dr. Curry had diagnosed a subluxation as demonstrated by x-ray to exist, his opinion would be of no weight regarding appellant's claim for any condition other than a back injury.

As appellant has not submitted competent, rationalized medical opinion evidence establishing that she sustained an injury in the performance of duty, the Office properly denied her claim.

The decision of the Office of Workers' Compensation Programs dated June 28, 1999 is hereby affirmed.

Dated, Washington, DC
September 18, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Valerie D. Evans-Harrell
Alternate Member

⁴ See *George E. Williams*, 44 ECAB 530 (1993).