

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of IVY J. JENKINS-PRUDHOMME and DEPARTMENT OF JUSTICE,  
U.S. MARSHALS SERVICE, Biloxi, MS

*Docket No. 01-1916; Submitted on the Record;  
Issued April 1, 2002*

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DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,  
WILLIE T.C. THOMAS

The issue is whether appellant established that she sustained back, neck and knee injuries causally related to factors of her federal employment.

The Board has duly reviewed the case record in the present appeal and finds that appellant has not established that she sustained an employment-related injury.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his or her claim<sup>2</sup> including the fact that the individual is an "employee of the United States" within the meaning of the Act,<sup>3</sup> that the claim was timely filed within the applicable time limitation period of the Act,<sup>4</sup> 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>5</sup> These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>6</sup> However, an employee's statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong and persuasive evidence.<sup>7</sup>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> See *Daniel R. Hickman*, 34 ECAB 1220 (1983).

<sup>3</sup> See *James A. Lynch*, 32 ECAB 216 (1980); see also 5 U.S.C. § 8101(1).

<sup>4</sup> 5 U.S.C. § 8122.

<sup>5</sup> See *Melinda C. Epperly*, 45 ECAB 196 (1993).

<sup>6</sup> See *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>7</sup> See *Robert A. Gregory*, 40 ECAB 478 (1989).

Causal relationship is a medical issue<sup>8</sup> 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.<sup>9</sup> Moreover, neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>10</sup>

On September 29, 2000 appellant, then a 31-year-old deputy U.S. Marshal, filed a traumatic injury claim, alleging that on September 27, 2000 she sustained headaches and injury to her neck, left shoulder and right knee when her government motor vehicle was rear-ended while appellant was in the performance of duty. She stopped work that day and returned on October 2, 2000. In support of her claim, appellant submitted medical evidence and an accident report. By letter dated December 13, 2000, the Office of Workers' Compensation Programs informed appellant of the type evidence needed to establish her claim and, in a January 17, 2001 decision, found the incident of September 27, 2000 was established but that appellant did not establish that her medical condition was causally related to factors of her employment. The instant appeal follows.

The medical evidence submitted by appellant includes a form report dated October 1, 2000, which contains no diagnosis and advises that appellant should rest for 72 hours. A second form report dated October 5, 2000, that is unsigned, advises "meds, heat, light duty." A treatment note also dated October 5, 2000, which appears to be signed by a nurse practitioner, provides a finding on examination of mild tenderness of the cervical spine. The remaining medical evidence consists of an undated nurse's note and a medication prescription.

The Board finds that appellant did not establish that she sustained an employment-related injury as the record contains no rationalized medical evidence that relates her medical condition to employment factors. In the December 13, 2000 letter, the Office requested that appellant submit medical evidence which was to include a detailed report from her physician including, *inter alia*, a medical explanation as to how the work incident caused or aggravated the claimed injury. Appellant was given 30 days to respond. The evidence submitted, however, merely consists of form reports that do not contain diagnoses and one treatment note that was not signed by a physician. The Board has long held that a nurse is not a "physician" as defined by the Act and thus cannot render a medical opinion on the causal relationship between a given physical condition and implicated factors.<sup>11</sup> As appellant did not provide the necessary medical evidence

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<sup>8</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

<sup>9</sup> *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, *supra* note 6.

<sup>10</sup> *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (1982).

<sup>11</sup> *Vicky L. Hannis*, 48 ECAB 538 (1997); *Bertha L. Arnold*, 38 ECAB 282 (1986).

to establish that employment factors caused her back and neck condition, the Office properly denied her claim.<sup>12</sup>

The January 17, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
April 1, 2002

Alec J. Koromilas  
Member

Colleen Duffy Kiko  
Member

Willie T.C. Thomas  
Alternate Member

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<sup>12</sup> The Board notes that appellant submitted additional evidence with her appeal to the Board. The Board cannot consider this evidence, however, as its review of the case is limited to the evidence of record, which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).