

returned on April 24, 2006. In a subsequent statement, appellant described how, on April 20, 2006, she felt a sharp pain in her lower and upper back while picking up a ream of paper.

In an April 20, 2006 discharge report, Dr. Victor McKee, a Board-certified family practitioner, diagnosed a sprained back and muscle strain and placed appellant off work for two days. In a separate report of the same date, Dr. McKee advised that appellant could return to work with no restrictions on April 24, 2006.

In a May 30, 2006 statement, George Brewer, appellant's supervisor, indicated that on April 20, 2006 appellant advised him that her low back was "giving her intense pain" and that "the only thing she could remember doing that might have caused the pain was taking a 5 [to] 10 minute walk during lunch" on April 19, 2006. Mr. Brewer noted that appellant stated that she carried paper from the back room to the printer one ream at a time, but she did not think this could have caused the pain because she was working within her restrictions.

By letter dated June 7, 2006, the Office informed appellant of the type of evidence needed to support her claim and requested that she submit such evidence within 30 days.

In a July 6, 2006 statement, appellant described her activities at work on April 20, 2006 which included carrying 10 reams of paper, one at a time, from the rear office to the front office. She alleged that when she lifted one ream out of the box, she felt a sharp pain in her lower back and shooting up her back, towards her right shoulder, down her right arm. Appellant denied any other injuries and referenced her prior claim.

By decision dated July 10, 2006, the Office denied appellant's claim on the grounds that she did not establish an injury as alleged. The Office also found that the medical evidence was insufficient to establish that appellant's condition was caused by employment duties.

In a July 7, 2006 report, Dr. Robert Spratt, an internist, noted that appellant called his office on April 20, 2006 and related that she "hurt her back as a result of carrying a ream of paper to the printer and bending over to install it." Dr. Spratt opined that appellant aggravated her back by lifting and bending with the ream of paper.

On July 24, 2006 appellant requested a hearing, which was held on November 6, 2006.

In an April 25, 2006 treatment note, Dr. Spratt provided findings which were partially illegible. He appeared to find a low back sprain.

By decision dated January 4, 2007, the Office hearing representative affirmed the July 10, 2006 decision.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act² and that an injury was sustained in the performance of duty.³ These are the essential elements of each compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁵ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁶

ANALYSIS

Appellant alleged that on April 20, 2006 she lifted and carried reams of paper one at a time in order to load a printer. There is no dispute that she was in the performance of duty while she was lifting and carrying reams of paper to a printer on April 20, 2006. The Board finds that the first component of fact of injury, the claimed incident, occurred as alleged.

However, the medical evidence is insufficient to establish the second component of fact of injury, that the employment incident caused an injury. The medical reports of record do not establish that appellant sustained an injury to her back as a result of the lifting and carrying of reams of paper to the printer on April 20, 2006. The medical evidence contains no firm diagnosis, no rationale on the issue of causal relationship and no explanation of the mechanism of injury. Appellant provided several reports from Dr. Spratt and Dr. McKee. However, the physicians did not provide a rationalized opinion addressing whether any diagnosed condition was caused or aggravated by the incident at work on April 20, 2006. The Board has long held that medical opinions not containing rationale on causal relation are entitled to little probative value are generally insufficient to meet appellant's burden of proof.⁷

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989).

³ *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁴ *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁵ *John J. Carlone*, 41 ECAB 354 (1989).

⁶ *Id.*

⁷ *Carolyn F. Allen*, 47 ECAB 240 (1995).

In reports dated April 20, 2006, Dr. McKee diagnosed a sprained back and muscle strain and placed appellant off work and advised that she could return to work with no restrictions on April 24, 2006. However, he did not address or describe the April 20, 2006 incident or explain how it was competent to provide a back sprain. For example, Dr. McKee did not explain how these diagnosed conditions were caused or aggravated by carrying a ream of paper. As noted, medical opinions not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet appellant's burden of proof.

In an April 25, 2006 treatment note, Dr. Spratt noted findings but did not provide any opinion regarding the cause of appellant's condition. Medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.⁸ On July 7, 2006 Dr. Spratt noted that appellant called his office on April 20, 2006 and related that she "hurt her back as a result of carrying a ream of paper to the printer and bending over to install it" and opined that appellant aggravated her back by lifting and bending with the ream of paper. However, he did not provide a rationalized opinion explaining the medical processes by which picking up and carrying a ream of paper on April 20, 2006 would cause or aggravate these conditions. Moreover, it appears that Dr. Spratt merely repeated appellant's history on the cause of her condition and did not provide his own opinion on causal relationship.⁹

Because the medical reports submitted by appellant do not address how the April 20, 2006 incident caused or aggravated a back injury, these reports are of limited probative value and are insufficient to establish that the April 20, 2006 employment incident caused or aggravated a specific injury.

CONCLUSION

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty.

⁸ *Michael E. Smith*, 50 ECAB 313 (1999).

⁹ *See Beverly A. Spencer*, 55 ECAB 501 (2004) (a mere conclusion without medical rationale explaining how and why the physician believes that a claimant's accepted exposure could result in a diagnosed condition is not sufficient to meet the claimant's burden of proof).

ORDER

IT IS HEREBY ORDERED THAT the January 4, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 11, 2007
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board