



In a December 1, 2008 form report, Dr. Richard D. Snyder, a chiropractor, presented findings on examination and diagnosed sciatica. He stated that appellant “claim[ed] [his condition] was aggravated by extensive driving in a vehicle or walking.” In a December 8, 2008 note, Dr. Snyder diagnosed sciatica neuralgia and reported that x-rays revealed multilevel lumbar spine disc degeneration.

By decision dated February 23, 2009, the Office denied the claim. It accepted that appellant established the employment factors he deemed responsible for his condition, but the medical evidence did not establish that his work activities caused his back condition.

On March 1, 2009 appellant, through his attorney, requested an oral hearing that was held on July 14, 2009. He provided testimony concerning his employment duties, medical history and treatment. Appellant also described the employment tasks he performed during a route inspection and how they aggravated his back condition.

In a report dated August 6, 2009, Dr. Hadijatou Jarra, Board-certified in family medicine, reviewed appellant’s history of injury. He advised that he had treated appellant for two years and noted a history of cervical and lumbar degenerative disease, which was aggravated by prolonged sitting. Dr. Jarra stated that appellant’s employment duties “cause[d] and will continue to cause progressive worsening of his [degenerative joint disease]/subluxation.”

By decision dated September 28, 2009, an Office hearing representative affirmed the February 23, 2009 decision. She found that the evidence of record did not establish that appellant’s work duties caused his back condition or worsened his degenerative disc disease.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> has the burden of proof to establish the essential elements of his claim by the weight of the evidence,<sup>2</sup> including that he sustained an injury in the performance of duty and that any specific condition or disability for work for which he claims compensation is causally related to that employment injury.<sup>3</sup> As part of his burden, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background showing causal relationship.<sup>4</sup> The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of the analysis manifested and the medical rationale expressed in support of the physician’s opinion.<sup>5</sup>

---

<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *J.P.*, 59 ECAB \_\_\_\_ (Docket No. 07-1159, issued November 15, 2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

<sup>3</sup> *G.T.*, 59 ECAB \_\_\_\_ (Docket No. 07-1345, issued April 11, 2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *Id.*; *Nancy G. O’Meara*, 12 ECAB 67, 71 (1960).

<sup>5</sup> *Jennifer Atkerson*, 55 ECAB 317, 319 (2004); *Naomi A. Lilly*, 10 ECAB 560, 573 (1959).

To establish that an injury was sustained in the performance of duty in a claim for occupational disease, an employee must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.<sup>6</sup>

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence, which includes a physician's rationalized opinion on whether there is a causal relationship between the employee's diagnosed condition and the compensable employment factors. The opinion of the physician must be based on a complete factual and medical background of the employee, 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 employee.

### ANALYSIS

The Office accepted that appellant performed work duties monitoring computer systems, telephone calls and route inspections. Appellant's burden is to demonstrate that these employment factors caused the claimed back condition. Causal relationship is a medical issue that can only be established by probative, rationalized medical opinion evidence. The Board finds that appellant has not submitted sufficient medical opinion evidence to establish that he sustained an injury in the performance of duty causally related to his employment.

The medical notes bearing illegible signatures are not probative evidence. Absent a legible signature, they cannot be identified as having been prepared by a "physician" as defined under the Act.<sup>7</sup> This evidence is not adequate to establish a causal relationship between the accepted employment factors and appellant's back condition.

Dr. Snyder, a chiropractor, provided reports that are of no probative medical value. A chiropractor is not a "physician" under the Act unless it is established that his or her reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist.<sup>8</sup> Dr. Snyder noted that x-rays showed lumbar disc degeneration and diagnosed sciatica neuralgia. Because he did not diagnose a spinal subluxation, he does not qualify as a "physician" for purposes of the Act and, therefore, his reports are not probative on the issue of causal relationship.

---

<sup>6</sup> See *Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

<sup>7</sup> *Vickey C. Randall*, 51 ECAB 357 (2000); *Merton J. Sills*, 39 ECAB 572 (1988) (reports not signed by a physician lack probative value)

<sup>8</sup> The term physician includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist and subject to regulation by the Secretary. 5 U.S.C. § 8101(2); see also *Jack B. Wood*, 40 ECAB 95 (1988); *Mary A. Ceglia*, 55 ECAB 626 (2004).

Dr. Jarra provided a brief August 6, 2009 report noting his treatment of appellant and a history of degenerative disease. On the issue of causal relationship, his report fails to provide a rationalized opinion explaining how the accepted employment factors caused or contributed to the diagnosed condition.<sup>9</sup> Dr. Jarra did not provide a full medical history or report findings on examination. The weight of a medical opinion is determined by the opportunity for and thoroughness of examination, the accuracy and completeness of physicians knowledge of the facts of the case, the medical history provided, the care of analysis manifested and the medical rationale expressed in support of the stated conclusions.<sup>10</sup> The Board finds that Dr. Jarra's note is insufficient to establish causal relationship between appellant's degenerative disease his work as a delivery and retail analyst.

An award of compensation may not be based on surmise, conjecture or speculation.<sup>11</sup> Neither the fact that the claimed condition became apparent during a period of employment nor appellant's belief that his condition was aggravated by his employment is sufficient to establish causal relationship.<sup>12</sup> The fact that a condition manifests itself or worsens during a period of employment<sup>13</sup> or that work activities produce symptoms revelatory of an underlying condition<sup>14</sup> does not raise an inference of causal relationship between a claimed condition and accepted work factors.

Appellant has not submitted sufficient medical opinion evidence containing a reasoned discussion of causal relationship, one that soundly explains how the established employment factors caused or aggravated his diagnosed medical condition. The Board finds that he has not established the essential element of causal relationship.

### **CONCLUSION**

The Board finds that appellant has not established that he sustained a back condition causally related to his federal employment.

---

<sup>9</sup> See *Mary E. Marshall*, 56 ECAB 420 (2005) (medical reports that do not contain rationale on causal relationship have little probative value).

<sup>10</sup> See *Anna C. Leanza*, 48 ECAB 115 (1996).

<sup>11</sup> *Edgar G. Maiscott*, 4 ECAB 558.

<sup>12</sup> *D.I.*, 59 ECAB \_\_\_\_ (Docket No. 07-1534, issued November 6, 2007); *Ruth R. Price*, 16 ECAB 688, 691 (1965).

<sup>13</sup> *E.A.*, 58 ECAB 677 (2007); *Albert C. Haygard*, 11 ECAB 393, 395 (1960).

<sup>14</sup> *D.E.*, 58 ECAB 448 (2007); *Fabian Nelson*, 12 ECAB 155, 157 (1960).

**ORDER**

**IT IS HEREBY ORDERED THAT** the September 28, 2009 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: August 3, 2010  
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