

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of AMY M. OREE and DEPARTMENT OF THE ARMY,
U.S. ARMY TRAINING CENTER, Fort Jackson, S.C.

*Docket No. 96-612; Submitted on the Record;
Issued April 1, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's claim for compensation from July 15, 1994 through September 20, 1995.

The Board has duly reviewed the case record and concludes that the Office properly denied appellant's claim for compensation from July 15, 1994 through September 20, 1995.

An employee seeking benefits under the Federal Employees' Compensation Act 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 filed within the applicable time limitation of the Act, 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.¹ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.² As part of this burden, appellant must present rationalized medical evidence based upon a complete factual and medical background showing causal relationship.³

In the present case, the Office has accepted that appellant sustained a contusion to the right toe and knee and traumatic carpal tunnel syndrome to the right wrist in the performance of her federal employment on April 26, 1994. Appellant has not worked since the date of the injury and received continuation of pay from April 27 through June 10, 1994 and temporary total disability benefits from June 11 through July 14, 1994. By the submission of Forms CA-8,

¹ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

² *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

³ *Donald Leroy Ballard*, 43 ECAB 876, 881 (1992).

appellant sought continuing compensation from July 15, 1994 through September 20, 1995. The Office disallowed appellant's compensation benefits, by decision dated November 17, 1995, on the grounds that the evidence of record does not support that appellant was disabled after July 14, 1994.

Appellant submitted medical evidence to support her claim including medical reports and the results of diagnostic tests. An electromyogram (EMG) and nerve conduction studies dated June 16, 1994 revealed moderately severe right carpal tunnel syndrome. In reports dated April 28, May 5, May 16 and June 21, 1994, Dr. William L. Miles, a family practitioner, considered appellant's history of injury, performed a physical examination and diagnosed, *inter alia*, pain in her neck, low back, right foot and knee secondary to her fall at work and abdominal muscle pull secondary to her fall at work. In an attending physician's report, Form CA-20, dated June 22, 1994, Dr. Miles diagnosed neck pain and low back pain secondary to appellant's fall at work, abdominal pain, and the new onset of chest pain. He checked the "yes" box that appellant's condition was related to her April 26, 1994 employment injury.

In a report dated October 13, 1994, Dr. Green B. Neal, a cardiovascular disease specialist with a subspecialty in geriatrics, considered appellant's history of injury, performed a physical examination, and diagnosed, *inter alia*, severe urinary tract infection, diabetes mellitus, hypertensive cardiovascular disease by history, degenerative arthritis and ligamental injuries to the foot.

In an attending physician's report dated March 23, 1995, Dr. Neal diagnosed limb pain, carpal tunnel syndrome, tarsal tunnel syndrome, degenerative arthritis, hypertensive cardiovascular disease and diabetes mellitus. He checked the "yes" box that appellant's condition was work related. In another attending physician's report dated June 10, 1995, Dr. Neal stated that appellant suffered from pain in her back, limbs, abdomen, wrist, hand and shoulder and checked the "yes" box that appellant's condition was related to her April 26, 1994 employment injury. In an attending physician's report dated July 28, 1995, Dr. Neal reiterated many of his prior diagnoses and checked the "yes" box that appellant's condition was work related. In an attending physician's report dated August 31, 1995, Dr. Miles reiterated his diagnoses and checked the "yes" box indicating that appellant's condition was work related.

In a report dated March 11, 1995, Dr. Neal considered appellant's history of injury, performed a physical examination and diagnosed, *inter alia*, insulin dependent diabetes, hypertensive cardiovascular disease, leiomyomata of the uterus and degenerative arthritis. Magnetic resonance imaging (MRI) scans of appellant's wrists and feet dated March 15, 1995 were normal. In a disability note dated April 20, 1995, Dr. Neal stated that appellant was unable to work until further notice.

The Office was paying compensation based upon submission of Forms CA-8 following appellant's return to work, and as such, appellant maintained the burden of establishing entitlement to continuing disability which was related to the employment injury.⁴ In the instant appeal, appellant has presented insufficient medical evidence to meet her burden. The medical

⁴ *Id.* at 882 (1992).

reports of Dr. Miles dated April 28, May 5, May 16 and June 21, 1994, and the medical report of Dr. Neal dated October 13, 1994, provide diagnoses of appellant's condition but do not address disability. They therefore are not probative on the issue of whether appellant's current disability is causally related to the April 26, 1994 employment injury. The June 19, 1994 EMG and nerve conduction study and the March 15, 1995 MRI scan are also not probative as they do not address disability or causation. The numerous CA-20a forms of record from Dr. Neal and Miles are not probative because on them the doctors check the "yes" box indicating appellant's diagnosed condition is work related but do not provide any explanation. The Board has held that a doctor's checking the "yes" box on a form without any explanation or rationale is insufficient to establish causal relationship.⁵ Moreover, Dr. Neal's April 20, 1995 disability note does not provide an explanation as to how appellant's current condition is work related. Although the Office provided appellant with opportunities on May 9, July 10 and September 29, 1995 to present the requisite evidence, appellant was not responsive to this request. Inasmuch as appellant failed to present sufficient evidence to establish that her current disabling condition is causally related to the April 26, 1994 employment injury, the Office properly disallowed benefits after July 14, 1994.

The decision of the Office of Workers' Compensation Programs dated November 17, 1995 is hereby affirmed.

Dated, Washington, D.C.
April 1, 1998

George E. Rivers
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

⁵ *Robert J. Krstyen*, 44 ECAB 227, 229 (1992); *Debra S. King*, 44 ECAB 203, 210 (1992).