

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of FLAVIO LEON and U.S. POSTAL SERVICE,  
MIAMI GARDENS STATION, Miami, Fla.

*Docket No. 97-1020; Submitted on the Record;  
Issued December 1, 1998*

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DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that his back condition was causally related to an employment injury or to factors of his employment.

On March 27, 1996 appellant, then a 39-year-old letter carrier, filed a claim for lumbar radiculitis which he related to lifting at work. An official at the employing establishment related that appellant informed her that on March 19, 1996 he had been working when he felt a strange pain in his back that extended into his thigh. In an August 15, 1996 letter, appellant stated that he felt deep, punctuating pain in his back after picking up a bucket of mail on March 19, 1996. Appellant reported that the pain subsided but then gradually returned during that day until he felt almost immobilized as he prepared to begin his mail route.

In a December 3, 1996 decision, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the evidence of record failed to establish that appellant sustained an injury as alleged.

The Board finds that appellant has not met his burden of proof in establishing that he sustained an injury on March 19, 1996 diagnosed as lumbar radiculitis which is causally related to his employment.

A person who claims benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his claim. Appellant has the burden of establishing by reliable, probative, and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.<sup>2</sup> As part of such burden of proof, rationalized medical opinion evidence showing causal relation must

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

be submitted.<sup>3</sup> The mere fact that a condition manifests itself or worsens during a period of employment does not raise an inference of causal relationship between the condition and the employment.<sup>4</sup> Such a relationship must be shown by rationalized medical evidence of causal relation based upon a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated a disability.<sup>5</sup>

Appellant submitted several medical notes and duty status reports to show that he was treated for a back injury. However only one report addressed the issue of causal relationship. In an April 24, 1996 report, Dr. Ramdas Bhandari, a Board-certified orthopedic surgeon, stated that he saw appellant on March 21, 1996 for injuries that occurred while working at the employing establishment with a diagnosis of lumbar radiculitis. Dr. Bhandari noted that appellant was allowed to return to light-duty work as of April 15, 1996. Dr. Bhandari gave only a general history of injury with no description on how the back pain developed at work. He also did not give any explanation on how any employment injury would have caused the lumbar radiculitis that he diagnosed. Dr. Bhandari's report therefore has little probative value because it lacks a detailed history of injury and does not contain any rationale on how any employment injury caused the condition he diagnosed. His report is insufficient to meet appellant's burden of proof.

The decision of the Office of Workers' Compensation Programs, dated December 3, 1996, is hereby affirmed.

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

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>3</sup> *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

<sup>4</sup> *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

<sup>5</sup> *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).