

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES R. KENT and DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE, Atlanta, Ga.

*Docket No. 96-1003; Submitted on the Record;
Issued February 25, 1998*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty on February 7, 1994.

The Board has duly reviewed the record and finds that the medical evidence is insufficient to establish the injury alleged.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of his claim.² When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.³

There is no dispute in this case that appellant was in the performance of duty on the morning of February 7, 1994 when he was sitting in a chair in the Plains High School auditorium. He started to stand up and had a sharp pain in his lower back. A witness provided a supporting statement. It may therefore be accepted that appellant experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. Appellant must therefore establish that this incident caused an injury.

¹ 5 U.S.C. §§ 8101-8193.

² See *Margaret A. Donnelley*, 15 ECAB 40 (1963).

³ See generally *John J. Carlone*, 41 ECAB 354 (1989); see also 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. §§ 10.5(a)(15)-.5(a)(16) ("traumatic injury" and "occupational disease or illness" defined).

Causal relationship is a medical issue⁴ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁵ must be one of reasonable medical certainty⁶ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁷

In its December 12, 1995 decision, the Office of Workers' Compensation Programs properly found that the evidence failed to establish the element of causal relationship. In a treatment note dated April 5, 1994, Dr. J. Kenyon Rainer, Sr., appellant's attending neurological surgeon, reported that appellant, who had a history of back problems, experienced an acute onset of back pain with radiation into both legs while rebuilding the Plains High School approximately six weeks earlier. He also reported that driving to and from work made his pain worse. He gave his impression as recurrent intervertebral disc herniation at L4-5 midline with bilateral radiculopathy. Although this treatment note connects appellant's back problem to his federal employment, the connection is vague and does not relate the history of injury given by appellant on his claim form. For this reason, it is of little probative value.⁸

In a narrative report dated September 12, 1994, Dr. Rainer provided a more detailed medical history of appellant's preexisting back condition and again reported that his most recent back injury occurred while rebuilding the Plains High School, when he had an acute onset of back pain with radiation into both legs associated with paresthesias. Dr. Rainer stated that appellant's herniated intervertebral disc at L3-4 was related to his recent on-the-job injury in 1994 while employed with the National Park Service. "This is unrelated to [appellant's] previous back problems and is a separate injury," Dr. Rainer added.

Although it offers more details about appellant's medical history and more firmly relates appellant's diagnosed condition to his federal employment, Dr. Rainer's narrative report of September 12, 1994 suffers from the same deficiency as does his treatment note of April 5, 1994. On his claim form appellant attributed his back condition, at least in part, to rising from a chair in the auditorium of the Plains High School on the morning of February 7, 1994. Dr. Rainer has not related this history. Instead, he has vaguely stated twice that appellant injured himself while rebuilding the Plains High School. Without an account of the specific events leading up to and including the incident described on appellant's claim form, Dr. Rainer's reports do not show that

⁴ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁵ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁶ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁷ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁸ *See James A. Wyrick*, 31 ECAB 1805 (1980) (physician's report was entitled to little probative value because the history was both inaccurate and incomplete); *see generally Melvina Jackson*, 38 ECAB 443, 450 (1987) (addressing factors that bear on the probative value of medical opinions).

they are based on a complete and accurate history. It is important to note that the history of injury is not in dispute in this case, but any affirmative opinion relating appellant's diagnosed condition to his federal employment must demonstrate that it is based on the specific event or incident alleged. Further, the opinion must explain how, medically speaking, rising from a chair caused or aggravated appellant's diagnosed condition. This medical explanation is necessary to show that the opinion supporting the element of causal relationship is sound and logical. Dr. Rainer's treatment note and narrative report offer no such medical explanation and for this additional reason they are of little probative value.

The December 12, 1995 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
February 25, 1998

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member