

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LEO C. WHITE and U.S. POSTAL SERVICE,
POST OFFICE, Sanford, Fla.

*Docket No. 96-1299; Submitted on the Record;
Issued February 23, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether the incident that occurred in the course of appellant's employment on May 23, 1994 caused or contributed to his diagnosed medical condition.

The Board has duly reviewed the record on appeal and finds that the medical evidence is insufficient to establish the element of causal relationship.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of his claim. 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.²

There is no dispute in this case, the incident implicated by appellant occurred as alleged. He provided a detailed account of what happened on May 23, 1994 and submitted a well-drawn diagram of the site. He drove his delivery vehicle about 10 miles an hour over a couple of trenches in the road while in the performance of duty. These trenches were 8 to 10 inches wide and 5 to 6 inches deep and caused his vehicle to bounce up and down several times. The record therefore establishes that appellant experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. The question that remains is whether this incident caused an injury.

¹ 5 U.S.C. §§ 8101-8193.

² See generally *Abe E. Scott*, 45 ECAB 164 (1993); *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).

In its decision of February 8, 1996, the Office of Workers' Compensation Programs affirmed the denial of appellant's claim on the grounds that medical evidence was insufficient to establish a causal relationship. The Board has reviewed the medical evidence in this case and finds that it is insufficient to establish the element of causal relationship.

Causal relationship is a medical issue,³ 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,⁴ must be one of reasonable medical certainty,⁵ 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.⁶

Although appellant submitted several medical reports relating his back condition to the incident of May 23, 1994, none of these reports explained medically how the accepted employment-related incident caused or contributed to the diagnosed condition. A November 10, 1995 report from Dr. Joseph F. Ragno, appellant's Board-certified family practitioner, stated that he first treated appellant on June 21, 1994 and he stated he had very little doubt that appellant's back pain was caused by the incident of May 23, 1994, where appellant was in a Jeep going over a deep trench on rough terrain and experienced back pain. Dr. Ragno stated that appellant's subjective complaints were consistent with his objective findings, that there was no previous history or indication that appellant had back problems before this event, and that there was no indication that appellant was lying. While Dr. Ragno's opinion is generally supportive of appellant's claim, what diminishes the probative value of his opinion, however, is the lack of any medical explanation of how the incident brought about or contributed to appellant's back condition for which he was treated. Dr. Ragno indicated that appellant had a lumbar strain, most likely musculoskeletal in nature, but he failed to address how the May 23, 1994 incident affected appellant's back. Absent a firm diagnosis of appellant's back condition and an explanation of how the May 23, 1994 employment incident contributed to such condition, the medical evidence is insufficient to establish appellant's claim.

Because the medical evidence of record is of diminished probative value and is insufficient to establish the element of causal relationship, the Board finds that appellant has not met his burden of proof.

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

The February 8, 1996 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
February 23, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member