

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of J.C. WINDING and U.S. POSTAL SERVICE,
GENERAL MAIL CENTER, Los Angeles, Calif.

*Docket No. 96-1969; Submitted on the Record;
Issued June 3, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has established a back injury causally related to factors of his federal employment.

In the present case, appellant filed a claim on December 8, 1995 alleging that he sustained arthritis in the back and nerve damage down the left leg causally related to his federal employment. Appellant stated that in 1962 he pulled a muscle in his low back in the performance of duty and that he continued to have back pain which radiated down the left leg. In a supplemental statement, appellant indicated that he had been a mail handler since 1962 and his condition was aggravated by heavy lifting, bending, and long hours of standing. By decision dated March 19, 1996, the Office denied appellant's claim on the grounds that he had not established a condition causally related to factors of his federal employment.

The Board has reviewed the record and finds that appellant has not established an injury causally related to his federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.¹ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal

¹ Victor J. Woodhams, 41 ECAB 345 (1989).

relationship between the claimed conditions and his federal employment.² Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by his federal employment, is sufficient to establish causal relation.³

In the present case, appellant has indicated that lifting, bending, and standing at work contributed to his condition.⁴ To establish his claim, appellant must submit medical evidence containing a reasoned medical opinion that his back condition is causally related to the identified employment factors. Appellant has not submitted such evidence in this case. The record contains reports from Dr. Angelica Mendez, a family practitioner, commencing September 19, 1995, but Dr. Mendez does not provide an opinion on causal relationship with employment. In a December 5, 1995 report, Dr. Mendez diagnoses left sciatica and indicates that appellant was released for limited duty, without discussing the cause of appellant's condition.

In a report dated January 19, 1996, Dr. Stephen P. Schroering, an orthopedic surgeon, provided a history and results on examination. Dr. Schroering diagnosed chronic low back pain since 1962 and left lower extremity pain, L5-S1 degenerative disc disease and left leg radiculopathy, and peripheral neuropathy by electromyogram (EMG) and nerve conduction study of unclear etiology. He does not provide a reasoned opinion as to causal relationship between a diagnosed condition and the identified factors of appellant's federal employment.

As noted above, it is appellant's burden to submit medical evidence necessary to establish his claim. The Board finds that the evidence of record is of limited probative value to the issue presented and is not sufficient to meet appellant's burden in this case.

² See *Walter D. Morehead*, 31 ECAB 188 (1979).

³ *Manuel Garcia*, 37 ECAB 767 (1986).

⁴ Appellant also indicated that he sustained an injury at work in 1962, although the Office indicated that it had no record of a claim for a back injury in 1962. There is no probative evidence in the case file to establish a 1962 back injury in the performance of duty.

The decision of the Office of Workers' Compensation Programs dated March 19, 1996 is affirmed.

Dated, Washington, D.C.
June 3, 1998

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member