

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DEAN S. CHARTIER and DEPARTMENT OF THE NAVY,
PUBLIC WORKS CENTER, Guam

*Docket No. 96-1315; Submitted on the Record;
Issued March 16, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant established that he sustained a back injury causally related to factors of federal employment.

The Board has duly reviewed the case record in the present appeal and finds that appellant has not established that he sustained an employment-related injury.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim² including the fact that the individual is an "employee of the United States" within the meaning of the Act,³ that the claim was timely filed within the applicable time limitation period of the Act,⁴ 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.⁵ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶ However, an employee's statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong and persuasive evidence.⁷

¹ 5 U.S.C. §§ 8101-8193.

² See *Daniel R. Hickman*, 34 ECAB 1220 (1983); see also 20 C.F.R. § 10.110.

³ See *James A. Lynch*, 32 ECAB 216 (1980); see also 5 U.S.C. § 8101(1).

⁴ 5 U.S.C. § 8122.

⁵ See *Melinda C. Epperly*, 45 ECAB 196 (1993).

⁶ See *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ See *Robert A. Gregory*, 40 ECAB 478 (1989).

Causal relationship is a medical issue,⁸ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁹ Moreover, neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹⁰

The facts in this case indicate that on October 16, 1995 appellant, then a 31-year-old mobile equipment metal mechanic, filed a claim alleging that at 2:00 p.m. on October 11, 1995 he injured his spine and back when he was caught between a work table and vehicle after slipping as he stepped off a five-foot tall stepstool. Appellant's supervisor, Orlando G. Cepeda, indicated that the incident had not been witnessed.

In a statement dated October 19, 1995, a coworker whose signature is illegible advised that he saw appellant leave the body shop on October 11, 1995 with no apparent injury. A second coworker, Anthony C. Talavera provided a statement dated October 20, 1995 in which he indicated that at 2:05 p.m. on October 11, 1995 the supervisor was not at his desk. Mr. Cepeda provided a statement dated October 20, 1995 in which he acknowledged that on October 12, 1995 appellant notified him that he had fallen the previous day but that his back and shoulder did not hurt until the morning of October 12, 1995. Mr. Cepeda stated that on October 11, 1995 no one was in the area at the time to witness the incident.

The relevant medical evidence includes an October 12, 1995 employing establishment dispensary report in which R.N. Staten, an occupational health nurse, referred appellant to his family physician regarding occupational back pain. By report dated October 25, 1995, Dr. Lee H. Meadows, a Board-certified family practitioner, diagnosed debilitating back pain, prescribed medical and physical therapy, and advised that appellant probably could return to work on October 30, 1995 with restrictions to his physical activity.

In a November 22, 1995 letter, the employing establishment advised that appellant operated a body shop at his home and stated that his physician would not discuss a possible light-duty assignment.

By letter dated December 20, 1995, the Office of Workers' Compensation Programs informed appellant of the type information needed to support his claim, which was to contain clarification of why he did not report the injury on October 11, 1995 and a comprehensive

⁸ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁹ *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, *supra* note 6.

¹⁰ *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (182).

medical report to include a physician's opinion regarding the causal relationship between his disability and the injury reported. He was to submit the information within 21 days of the date of the letter.

By decision dated January 17, 1996, the Office denied the claim, finding that appellant did not establish that the employment incident occurred in the manner alleged or that he sustained an employment-related injury. The Office noted that appellant had not responded to the December 20, 1995 letter. A statement of his appeal rights was attached.

The Board finds that, while there are inconsistencies in the evidence that cast some doubt on the occurrence of the injury as alleged, as noted above, an employee's statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong and persuasive evidence.¹¹ Such, however, is not the case here, and the Board, therefore, finds the October 11, 1995 employment incident was not established. Nonetheless, the Board finds that appellant has not established that the October 11, 1995 employment incident resulted in an injury as Dr. Meadow's October 25, 1995 report does not contain a rationalized medical opinion linking appellant's back condition to the employment incident. Dr. Meadows merely diagnosed back pain, prescribed treatment, and advised that appellant could return to work with restrictions. Medical reports not containing rationale on causal relationship are entitled to little probative value and are generally insufficient to meet appellant's burden of proof.¹² As appellant did not provide the necessary medical evidence to establish that the October 11, 1995 employment incident caused his medical condition, the Office properly denied his claim.¹³

The decision of the Office of Workers' Compensation Programs dated January 17, 1996 is hereby affirmed.

Dated, Washington, D.C.
March 16, 1998

¹¹ *Robert A. Gregory, supra* note 7.

¹² *See Lourdes Davila, 45 ECAB 139 (1993).*

¹³ The Board notes that on February 8, 1996 the Office received a packet from appellant that included a personal statement and additional medical evidence. By letter dated February 9, 1996, the Office acknowledged receipt and informed appellant that, if he disagreed with the January 17, 1996 decision, he should follow the appeal rights attached to that decision. On March 22, 1996 appellant appealed to the Board. The Board cannot consider the medical evidence submitted to the Office on February 8, 1996 as its review of the case is limited to the evidence of record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member