

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of SARA J. SWANSON and DEPARTMENT OF THE AIR FORCE,  
LOS ANGELES AIR FORCE BASE, Los Angeles, Calif.

*Docket No. 96-2627; Submitted on the Record;  
Issued March 3, 1998*

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DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant has established that her disabling conditions on and after April 4, 1996 are causally related either to her accepted November 30, 1994 umbilical hernia and lumbar strain conditions or to other factors of her federal employment.

The Office of Workers' Compensation Programs accepted that on November 30, 1994 appellant, a 58-year-old intelligence operations specialist, sustained an umbilical hernia and a lumbar strain in the performance of duty. On May 9, 1995 appellant underwent a successful hernia repair and she was released to work on June 13, 1995. Following physical therapy for her back, she was released to full duty by her treating physician on September 21, 1995. On April 12, 1996 appellant filed a claim for recurrence of disability, claiming that her back pain had never resolved, that it intensified on April 4, 1996 and that her condition was exacerbated by her constant sitting and standing and by her computer work in the performance of duty. Specifically, appellant alleged that reaching, pushing and pulling paper, constant motion while using a keyboard and mouse at her computer and constant twisting and turning from one piece of equipment to another aggravated her condition.

In support of her claim, appellant provided a May 17, 1996 medical report from her treating physician, Dr. Ashwin Patel, an industrial medicine specialist, which noted that she returned to the clinic on May 3, 1996 with complaints of right leg and back pain. Appellant claimed that her condition was stable but was now worse. Dr. Patel examined appellant and noted that her condition was basically unchanged from his last examination on September 21, 1995. He indicated that appellant's right shoulder was injured during a fall and he diagnosed right shoulder strain, lumbosacral disc disease and radiculopathy. Lumbosacral spinal x-rays showed no changes from those taken on July 5, 1995. Dr. Patel noted that a right shoulder x-ray demonstrated mild subchondral sclerosis and cystic change, consistent with repetitive trauma and he recommended referral to an orthopedist. He did not provide any opinion on causal relation, either to her accepted employment lumbar strain injury or to other

factors of her employment and did not specify whether either the fall he attributed her right shoulder strain to, or the repetitive trauma were work related.

In a June 3, 1996 statement, appellant claimed that her right shoulder injury occurred at the same time that she sustained her lumbar strain and hernia injuries and she claimed that she was placing binders on a shelf while standing on a stool when the stool slipped and she reached out to grab the shelves with her right arm, pulling the muscles in her right arm and back.

By decision dated July 11, 1996, the Office rejected appellant's claim finding that the evidence of record failed to establish that her disabling conditions were causally related either to her November 30, 1994 injuries or to factors of her federal employment. The Office noted that neither the factual nor the medical evidence contemporaneous with or following appellant's November 30, 1994 injury mentioned a right arm or shoulder injury, only symptoms in her right hip, low back and stomach and that the first mention in the records of a right shoulder condition occurred in Dr. Patel's May 13, 1996 report when he diagnosed right shoulder strain. Further, the Office noted that none of the medical evidence related the development of appellant's conditions to her work duties since September 1995. Accordingly, the Office determined that the proffered evidence failed to establish that appellant's lumbosacral disc disease or right shoulder strain was causally related either to her accepted employment injuries or to other factors of her federal employment.

The Board finds that appellant has failed to establish her claim.

A person who claims benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his or her claim. Appellant has the burden of establishing by reliable, probative and substantial evidence that her medical conditions are 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 be submitted.<sup>3</sup> Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. Such an 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 appellant.<sup>4</sup> Appellant has failed to submit such rationalized medical evidence in this case supporting that any of her present conditions are related to specific factors of her federal employment.

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

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

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

<sup>4</sup> *Id.*

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>5</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>6</sup> Such evidence is not present here.

Further, an individual who claims a recurrence of disability due to an accepted employment injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which compensation is claimed is causally related to the accepted injury or injuries. This burden includes the necessity of furnishing medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition or conditions are causally related to the specific employment injury or injuries and supports that conclusion with sound medical reasoning.<sup>7</sup> Causal relationship is a medical issue and can be established only by medical evidence.<sup>8</sup> Appellant has not submitted such medical evidence in this case.

Additionally, in the case of *John R. Knox*,<sup>9</sup> regarding consequential injury, the Board stated:

“It is an accepted principal of workers’ compensation law and the Board has so recognized, that when the primary injury is shown to have arisen out of and in the course of employment, every natural consequence that flows from the injury is deemed to arise out of the employment, unless it is the result of an independent intervening cause which is attributable to the employee’s own intentional conduct. As is noted by Professor Larson in his treatise: ‘[O]nce the work-connected character of any injury, such as a back injury, has been established, the subsequent progression of that condition remains compensable so long as the worsening is not shown to have been produced by an independent nonindustrial cause.... [S]o long as it is clear that the real operative factor is the progression of the compensable injury, associated with an exertion that in itself would not be unreasonable [under] the circumstances. A different question is presented, of course, when the triggering activity is itself rash in the light of claimant’s knowledge of his condition.’”<sup>10</sup>

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<sup>5</sup> *Juanita Rogers*, 34 ECAB 544, 546 (1983).

<sup>6</sup> *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).

<sup>7</sup> *Stephen T. Perkins*, 40 ECAB 1193 (1989); *Dennis E. Twardzik*, 34 ECAB 536 (1983); *Max Grossman*, 8 ECAB 508 (1956); 20 C.F.R. § 10.121(a).

<sup>8</sup> *Mary J. Briggs*, 37 ECAB 578 (1986); *Ausberto Guzman*, 25 ECAB 362 (1974).

<sup>9</sup> 42 ECAB 193 (1990).

<sup>10</sup> *Id.*

Appellant has not submitted medical evidence establishing that any of her allegedly disabling conditions are the consequence of her accepted employment injuries in this case.

In the evidence submitted, Dr. Patel states that appellant sustained a right shoulder injury as a result of a fall, but he fails to identify that fall and its circumstances. The Office cannot merely infer that he is referring to the 1994 accepted incident, which did not actually involve a fall. He also alludes to the right shoulder condition as being the result of repetitive trauma, which would make it a new occupational injury, but he fails to describe what repetitive trauma he is referring to. This does not support that it is employment related or related to the 1994 incident. This also contradicts appellant's allegations that the right shoulder injury occurred traumatically in 1994. Although appellant alleges that the right shoulder condition occurred in 1994 there is no factual or medical evidence mentioning it until 1996. This large gap in time, without explanation, argues against causal relationship with the 1994 incident.

Moreover, appellant's 1996 diagnosed lumbar disc disease, a degenerative bone and cartilage condition, has not been shown to be related by any medical evidence of record, to her accepted soft tissue muscle injury of 1994. Therefore, none of the medical evidence of record supports this employment relationship claim.

As appellant has failed to provide rationalized medical evidence supporting that her present conditions are causally related, by causation, recurrence or consequence, to the 1994 accepted employment injuries, she has failed to establish her claim.

Accordingly, the decision of the Office of Workers' Compensation Programs dated July 11, 1996 is hereby affirmed.

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

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member

Bradley T. Knott  
Alternate Member