

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CASSANDRA KNIGHT-PAIGE and DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE, Houston, Tex.

*Docket No. 96-1903; Submitted on the Record;
Issued May 1, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof that she has any disability causally related to her employment injuries after March 21, 1995.

On January 19, 1995 appellant, then a 34-year-old tax specialist, slipped on the floor at the employing establishment but did not fall. She indicated that in catching herself she snapped her lower back and neck. She did not lose any time from work. On February 14, 1995 appellant slipped and fell at work, landing on her buttocks. She stated that she sustained injuries to her left leg from the knee to the foot and to her back. Appellant stopped working on February 15, 1995 and was released to return to work effective March 21, 1995. In a May 3, 1995 letter, the Office of Workers' Compensation Programs accepted appellant's claim for a resolved lumbar strain.

In a June 19, 1995 decision, the Office rejected appellant's claim for compensation and medical benefits on the grounds that the medical evidence of record established that the residuals of the February 14, 1995 employment injury had ceased. In merit decisions dated January 2 and May 8, 1996, the Office denied appellant's requests for modification of the June 19, 1995 decision.

The Board finds that appellant had not met her burden of proof in establishing that she had any disability or residuals from the January 19 and February 14, 1995 employment injuries.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim. Appellant has the burden of establishing by reliable, probative, and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.² As

¹ 5 U.S.C. §§ 8101-8193.

² *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

part of such burden of proof, rationalized medical opinion evidence showing causal relation must be submitted.³ 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.⁴ 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.⁵

Appellant submitted extensive notes from physicians and physical therapists which made reference to her neck pain and back pain. However, none of the medical notes submitted contained an opinion from a physician that appellant's symptoms and occasional disability after March 21, 1995 were causally related to her employment injury. In an August 30, 1995 report, Dr. Sucheta Thukral, a Board-certified psychiatrist, diagnosed chronic myofascial pain syndrome involving left cervical and scapular area with multiple painful trigger points, chronic soft tissue strain in the left shoulder with subacromial bursitis and severe obesity. Dr. Thukral, however, did not give any opinion on whether the conditions she had diagnosed were causally related to appellant's employment injuries. In an undated report, Dr. Russell Vanbiber, a Board-certified family practitioner, diagnosed cervical strain and lower back strain as of February 16, 1995 and cervical nerve root compression as of January 4, 1996. Dr. Vanbiber, however, also did not give a specific, well-rationalized opinion on whether the conditions he diagnosed were causally related to appellant's employment injuries. These medical reports therefore do not support appellant's claim for compensation as they do not give a rationalized medical opinion on the relationship between appellant's employment injuries and her diagnosed conditions or her complaints of back and neck pain. Appellant therefore has not met her burden of proof.

³ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

⁴ *Juanita Rogers*, 34 ECAB 544, 546 (1983).

⁵ *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).

The decisions of the Office of Workers' Compensation Programs, dated May 8 and January 2, 1996, and June 19, 1995 are hereby affirmed.

Dated, Washington, D.C.
May 1, 1998

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member