

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of TYRONE D. WILLIAMSON and DEPARTMENT OF THE ARMY,
AVIATION & TROOP COMMAND, St. Louis, Mo.

*Docket No. 97-677; Submitted on the Record;
Issued November 12, 1998*

DECISION and ORDER

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

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

On January 24, 1996 appellant, then a 51-year-old supply systems analyst, filed a claim alleging that he had aggravated a herniated disc due to prolonged sitting. Appellant stated that he had pain radiating from the back into both legs, with the pain becoming unbearable on December 29, 1995. In a narrative statement, appellant stated that sitting for long periods of time on the job had aggravated his back condition. Appellant indicated that he had two prior laminectomies, and had been diagnosed with degenerative arthritis and degenerative disc disease.

In a decision dated April 25, 1996, the Office of Workers' Compensation Programs denied the claim on the grounds that appellant had not established causal relationship between a back condition and the identified employment factors. Following a request for reconsideration, the Office reviewed the case on its merits and denied modification by decision dated November 15, 1996.

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 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 alleged that prolonged sitting in his job aggravated his back condition. The medical evidence of record, however, is not sufficient to establish causal relationship in this case. Appellant submitted a form report (Form CA-20) dated January 22, 1996 from Dr. Eric Washington, an orthopedic surgeon, diagnosing right lumbar radiculopathy and failed back syndrome. Dr. Washington noted that appellant stated that he aggravated his back with prolonged sitting, and the physician checked a box “yes” that the condition found was caused or aggravated by an employment activity. It is well established that the checking of a box “yes” in a form report, without additional explanation or rationale, is not sufficient to establish causal relationship.⁴ Dr. Washington does not provide a complete background and notes only that appellant had stated his back was aggravated by sitting, without providing a reasoned opinion on the issue.

The remainder of the medical evidence is also of diminished probative value to the issue presented. In a July 6, 1990 treatment note, Dr. Steven Brenner, a neurologist, stated that appellant had extensive disc disease of the lumbosacral spine, and noted that “prolonged sitting may also aggravate his condition.” Dr. Brenner does not provide a complete factual and medical background, nor does he provide a reasoned opinion on the nature and extent of any aggravation due to federal employment. Similarly, in an August 30, 1993 treatment note, Dr. Brenner reported persistent low back pain which was aggravated by prolonged sitting, without providing further detail. The additional treatment notes and diagnostic studies of record do not provide an opinion as to causal relationship with employment.

In the absence of a complete report, with an accurate factual and medical history, and a reasoned opinion as to the nature and extent of an aggravation caused by sitting at work, the Board finds that appellant has not met his burden of proof in this case.

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

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

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

⁴ *See Barbara J. Williams*, 40 ECAB 649, 656 (1989).

The decisions of the Office of Workers' Compensation Programs dated November 15 and April 25, 1996 are affirmed.

Dated, Washington, D.C.
November 12, 1998

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member