

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RAYFORD HARDEN and U.S. POSTAL SERVICE,
POST OFFICE, Atlanta, Ga.

*Docket No. 97-2342; Submitted on the Record;
Issued April 8, 1999*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that he sustained an injury in the performance of duty.

The Board finds that appellant did not meet his burden of proof to establish that he sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, 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.² These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which 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. 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

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴

In the present case, appellant alleged that he sustained an injury due to factors of his federal employment. He alleged that on February 5, 1994 he sustained a back injury while he was delivering mail; that on an unspecified date in September 1994 he sustained neck and back injuries when he struck his neck on his postal vehicle door; and that on November 25, 1994 he sustained a back injury when he bent down to lift a bucket of mail. He also generally indicated that he sustained injury to his back due to performing duties over time such as sorting mail, carrying a mailbag and lifting mail. By decision dated March 8, 1995, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that he did not submit sufficient medical evidence to establish that he sustained an injury in the performance of duty and, by decision dated October 10, 1995 and December 6, 1996, the Office denied modification of its March 8, 1995 decision.

Appellant did not submit sufficient medical evidence to establish that he sustained an injury in the performance of duty. Appellant submitted a December 15, 1994 form report in which Dr. Cal R. Brice, an attending chiropractor, listed the date of injury as February 5, 1994; indicated that appellant was disabled from November 25 to December 23, 1994; diagnosed cervical subluxation and myofascitis, lumbar subluxation, low back pain, lumbosacral sprain/strain and thoracic subluxation; and indicated that these diagnoses were employment related. In an undated letter received by the Office at a later date, Dr. Brice indicated that appellant reported he injured his back in February 1994 by lifting boxes weighing 30 to 50 pounds and in September 1994 by banging his back on the door of his vehicle.⁵

Although Dr. Brice's opinion constitutes medical evidence, it is of limited probative value on the relevant issue of the present case in that it does not contain adequate medical rationale in support of its conclusion on causal relationship.⁶ Dr. Brice did not adequately explain the nature of the implicated employment factors or sufficiently describe the medical procedure through they could have been competent to cause the diagnosed conditions. Such medical rationale is especially necessary given the complicated factual history of the present case. Dr. Brice did not adequately detail appellant's medical history or the findings upon examination and diagnostic testing.

⁴ *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

⁵ Dr. Brice later indicated that appellant's cervical and lumbar diagnoses were based on x-rays. Under section 8101(2) of the Act, chiropractors are only considered physicians, and their reports considered medical evidence, to the extent that they treat spinal subluxations as demonstrated by x-ray to exist. 5 U.S.C. § 8107(a); see *Jack B. Wood*, 40 ECAB 95, 109 (1988).

⁶ See *Leon Harris Ford*, 31 ECAB 514, 518 (1980) (finding that a medical report is of limited probative value on the issue of causal relationship if it contains a conclusion regarding causal relationship which is unsupported by medical rationale). The record contains other reports indicating disability in November 1994 and December 1995, including additional reports of Dr. Brice, but they contain no mention of specific employment factors.

The decision of the Office of Workers' Compensation Programs dated December 6, 1996 is affirmed.⁷

Dated, Washington, D.C.
April 8, 1999

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

⁷ Appellant submitted additional evidence after the Office's December 6, 1996 decision, but the Board cannot consider such evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c).