

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of URSULA JOURDAN and DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, MOUNT HOOD NATIONAL FOREST, Estacada, OR

*Docket No. 97-2623; Submitted on the Record;
Issued December 27, 1999*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issues are: (1) whether appellant met her burden of proof to establish that her right rotator cuff tear is causally related to the July 3, 1988 employment injury; and (2) whether the Office of Workers' Compensation Programs properly denied modification on June 5, 1997.

The Board has given careful consideration to the issues involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office hearing representative dated October 28, 1996 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.

The Board also finds that on June 5, 1997 the Office properly denied modification of the October 28, 1996 decision.

On May 11, 1997 appellant requested reconsideration and submitted additional evidence. By decision dated June 5, 1997, the Office again denied the claim, finding the evidence insufficient to warrant modification of the prior decision. The instant appeal follows.

Causal relationship is a medical issue,¹ 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.² Moreover, the belief

¹ *Mary J. Briggs*, 37 ECAB 578 (1986).

² *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.³

With her reconsideration request, appellant submitted reports from Dr. Kathryn A. Hirschorn, who is Board-certified in neurology and psychiatry. In a January 7, 1997 clinic note, Dr. Hirschorn stated that appellant was referred for evaluation of low back and right shoulder pain and numbness of the hands. She reported a history that appellant was injured in 1988 when she sustained a right rotator cuff tear in a five foot fall from a doorway to cement. In a January 13, 1997 report, Dr. Hirschorn diagnosed severe carpal tunnel syndrome, right greater than left, as well as abnormal somatosensory evoked potentials suggesting a cervical spinal cord lesion. She advised:

“It is my opinion that [appellant] is medically disabled[,] all stemming from her fall and injury back in 1988. In addition to the medical injury she suffered severe psychological trauma both related to the fall and in regards to how this incident has been handled.”

As part of the burden of proof, the claimant must present rationalized medical evidence, based upon a specific and accurate history.⁴ The record in this case indicates that appellant’s fall on July 3, 1988 was 12½ inches, not the 5 feet as reported by Dr. Hirschorn. Furthermore, Dr. Hirschorn merely provides a conclusory statement that appellant sustained a rotator cuff tear in her fall. As her opinion was not based on a complete and accurate factual history and did not contain adequate medical rationale supporting her conclusion, the Board finds her reports of decreased probative value.⁵

³ *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (1982).

⁴ *See Richard A. Weiss*, 47 ECAB 182 (1995).

⁵ *See Elizabeth W. Esnil*, 46 ECAB 606 (1995).

The decisions of the Office of Workers' Compensation Programs dated June 5, 1997 and October 28, 1996 are hereby affirmed.

Dated, Washington, D.C.
December 27, 1999

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member