

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CHARLES A. GAINER and U.S. POSTAL SERVICE,  
MAIN POST OFFICE, Columbus, Ohio

*Docket No. 97-2829; Submitted on the Record;  
Issued July 15, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that he sustained an injury causally related to exposure to work factors prior to January 25, 1997, as alleged.

Appellant, a 35-year-old mailhandler, filed a notice of occupational disease and claim for compensation (Form CA-2) dated May 23, 1997 alleging "dorsal strain and sprain." Attached to his claim form was a February 25, 1997 letter addressed to an Office of Workers' Compensation Programs claims examiner in which appellant stated in part:

"I am writing to you to review some difficulties that I have experienced since I injured my back on March 3, 1995. The original injury that I had caused me excruciating pain that felt like someone was stabbing me with a knife when I would move or breathe deeply. This injury was caused by my lifting a large bag of mail weighing approximately 70 to 80 pounds and rotating with it. Many times those bags were far heavier [than] the 70-pound limit. I complained many times, but to no avail! I reported my injury to my supervisor and did my best to continue working through the day, but was unable to stay. I clocked out and went home! Based on the severe pain I was experiencing I went to the medical doctor for treatment the next day."

Also on appellant's Form CA-2 he alleged that he first became aware of his injury on January 25, 1997 and on the reverse of the form he indicated that he first received medical care on March 31, 1997 from Dr. Charles A. Mason, an osteopath and an affiliate of Doctors Hospital, and notified his supervisor on May 23, 1997.

Lee S. Davis, Jr., appellant's supervisor, stated that he was not appellant's supervisor when "he first injured himself" and the information given by him "is what I know only

from [appellant's] paper work." He noted that appellant has been on limited duty since February 8, 1997.

Appellant submitted a medical report dated March 31, 1997 from Dr. Mason. He stated that appellant came into the office complaining that he "needs an examination for back pain and documentation for his employer." Dr. Mason diagnosed: "dorsal strain and sprain and possible reaggravation of preexisting injury versus new injury." He noted "anatomical short leg secondary to the fracture of the left hip at age 16, this is most likely predisposing [appellant] to recurrent back injuries." Dr. Mason stated that appellant alleged a previous back injury on March 29, 1996 and was treated in his office on April 1, 1996 for dorsal strain and sprain. He also noted that appellant indicated that he injured himself on January 25, 1997 lifting sacks weighing 75 to 100 pounds and went to see a Dr. Gillies the following day.<sup>1</sup> Dr. Mason noted that appellant stated that he had no pain or numbness at this time but "has had some discomfort at night."

By letter dated July 15, 1997, the Office requested further specific information on appellant's injury prior to March 31, 1997, contributing employment factors and medical history related to the present injury and any preexisting injuries. Appellant was nonresponsive to the Office's request.

By decision dated August 14, 1997, the Office denied appellant's claim on the grounds that the submitted evidence fails to establish a causal relationship between the claimed medical condition and factors of appellant's employment.

The Board has reviewed the case record and finds that the Office properly determined that appellant failed to meet his burden of proof in establishing that he sustained an injury in the performance of duty prior to January 25, 1997, as alleged.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> 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.<sup>3</sup>

There is no dispute that appellant is a federal employee and that he timely filed his claim for compensation benefits.

In support of his claim, appellant submitted a single medical report from Dr. Mason, dated March 31, 1997, in which he diagnosed dorsal strain and sprain. In order for these

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<sup>1</sup> The Board notes that even though Dr. Gillies' name is mentioned several times in Dr. Mason's medical report, there is no indication that appellant was ever seen by Dr. Gillies.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989); *see also Daniel R. Hickman*, 34 ECAB 1220 (1983).

conditions to be covered under the Act, the evidence must demonstrate that the essential element of causal relationship has been met. The question of causal relationship is a medical issue which usually requires reasoned medical opinion for resolution. Causal relationship may be established by means of direct causation, aggravation, acceleration or precipitation.

This report submitted by Dr. Mason is insufficient to establish causal relationship between appellant's prior injury and his work factors as he does not attribute appellant's dorsal sprain and strain to his employment factors. He reported that appellant stated that on January 25, 1997 he was lifting sacks on a "saw tooth" weighing "75 to 100 pounds and had sudden sharp pain in his dorsal area and dropped the sack." This statement as the cause of the conditions diagnosed by Dr. Mason is too speculative to satisfy appellant's burden of proof as the mechanism of the injury is not addressed. Moreover, it refers to a traumatic injury and the object of appellant's claim is an occupational disease.

Appellant did not submit sufficient medical evidence to establish that he sustained a dorsal strain or sprain in the performance of duty causally related to factors of his employment.

The decision of the Office of Workers' Compensation Programs dated August 14, 1997 is affirmed.

Dated, Washington, D.C.  
July 15, 1999

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member