

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ANN LORENE ALBRIGHT and U.S. POSTAL SERVICE,  
POST OFFICE, Nashville, TN

*Docket No. 97-2303; Submitted on the Record;  
Issued October 7, 1999*

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DECISION and ORDER

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

The issue is whether appellant has met her burden of proof in establishing that she sustained a back condition causally related to factors of her federal employment prior to June 10, 1996.

On June 10, 1996 appellant, then a 52-year-old distribution clerk, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging an employment-related back condition. Appellant states that her back condition has been an ongoing problem. She indicated that she would start hurting so bad that she would have to go to the doctors office to obtain pain medication and a shot. Appellant also indicated that the pain medication and shot would help for a while and she would continue trying to work, but the pain would eventually start again. She then noted that she "changed doctors and he ordered x-rays and a magnetic resonance imaging (MRI) scan to find out what the problem was. That is how he found out how I was hurt." Appellant further indicated that she first became aware of her disease or illness, and first realized that the disease or illness was caused or aggravated by her federal employment on June 10, 1996. The record shows that appellant was placed on a limited-duty status with no lifting over 5 pounds continuously and 10 to 15 pounds intermittently; with no standing for long periods of time, and no sitting, working head up or head down for more than 5 minutes. Appellant retired on disability effective October 11, 1996. In a decision dated May 29, 1997, the Office of Workers' Compensation Programs denied appellant's claim for compensation on the grounds that the medical evidence submitted failed to establish a medical condition causally related to the general duties of appellant's federal employment.<sup>1</sup>

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<sup>1</sup> The Board notes that, while the Office granted appellant a 60-day time period in which to submit the requested information, the Office erroneously issued a decision denying appellant's claim for benefits on October 4, 1996, prior to the expiration of the 60-day time period provided. Consequently, the Office, in a letter dated November 27, 1996, noted the error and set aside its October 4, 1996 decision and placed appellant's case in a developmental status. Appellant was then allotted an additional 30 days within which to file the requested supportive evidence.

The Board, having reviewed the entire case record, finds that appellant has not met her burden of proof in establishing that she sustained a back condition causally related to factors of her federal employment prior to June 10, 1996.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> has the burden of establishing that 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> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>4</sup>

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 claimant. The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on this issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factor. The opinion of the physician must be based on a complete factual and medical background of the claimant,<sup>5</sup> must be one of reasonable medical certainty,<sup>6</sup> 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.<sup>7</sup> This burden included the necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concluded that the condition is causally related to employment factors and supports that conclusion with sound medical reasoning.<sup>8</sup>

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<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>4</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>5</sup> *William Nimitz, Jr.*, 30 ECAB 567 (1979).

<sup>6</sup> *Morris Scanlon*, 11 ECAB 384 (1960).

<sup>7</sup> *William E. Enright*, 31 ECAB 426 (1980).

<sup>8</sup> See *Victor J. Woodhams*, *supra* note 4.

In the present case, there is insufficient rationalized medical opinion evidence to support the fact that appellant suffered an injury or disability causally related to any factors of her federal employment. None of the medical reports submitted by Dr. Walter A. Bell, a Board-certified internist, or Dr. Bill Thompson, a Board-certified diagnostic radiologist and general practitioner, provided a reasoned medical opinion, supported by objective findings as to the medical connection between appellant's diagnosed condition of Grade 1 spondylolisthesis with disc bulging at L-4, 5 and arthritis and factors of appellant's federal employment. For example, they did not describe appellant's specific work duties in any detail or provide medical reasoning explaining how or why appellant's various employment activities as a letter carrier, caused or aggravated a specific medical condition.<sup>9</sup> Without any explanation or rationale for the conclusion reached, such reports are insufficient to establish causal relationship.<sup>10</sup> The reports of Drs. Bell and Thompson failed to provide a comprehensive and rational medical opinion explaining the causal relationship between appellant's diagnosed condition of Grade 1 spondylolisthesis with disc bulging at L4, 5 and arthritis and any workplace factor. Therefore, they are of little probative value and insufficient to meet appellant's burden of proof.

An award of compensation may not be based on surmise, conjecture or speculation, or appellant's belief of causal relationship. The mere fact that a disease or condition manifests itself or worsens during a period of employment<sup>11</sup> or that work activities produce symptoms revelatory of an underlying condition<sup>12</sup> does not raise an inference of causal relationship between the condition and the employment factors. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship. Causal relationship must be established by rationalized medical opinion evidence and appellant has failed to submit such evidence in the present case.<sup>13</sup> As appellant has not submitted rationalized medical evidence explaining how and why the diagnosed condition was caused or aggravated by appellant's federal employment, the Office properly denied appellant's claim for compensation.

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<sup>9</sup> *Charles H. Tomaszewski*, 39 ECAB 461 (1988) (finding that medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship); *see also George Randolph Taylor*, 6 ECAB 986 (1954) (where the Board found that a medical opinion not fortified by medical rationale is of little probative value).

<sup>10</sup> *Lucrecia M. Nielson*, 41 ECAB 583 (1991).

<sup>11</sup> *William Nimitz, Jr.*, *supra* note 5.

<sup>12</sup> *Richard B. Cissel*, 32 ECAB 1910, 1917 (1981).

<sup>13</sup> *Victor J. Woodhams*, *supra* note 4.

The decision of the Office of Workers' Compensation Programs dated May 29, 1997 is affirmed.

Dated, Washington, D.C.  
October 7, 1999

Willie T.C. Thomas  
Alternate Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member