

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LEONDRA M. MITCHELL and U.S. POSTAL SERVICE,
MAIN POST OFFICE, Columbus, OH

*Docket No. 98-697; Submitted on the Record;
Issued October 18, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
DAVID S. GERSON

The issue is whether appellant has met her burden of proof in establishing that she sustained a back injury in the performance of duty on February 11, 1997, as alleged.

On February 15, 1997 appellant, then a 34-year-old flat sorter clerk, filed a notice of traumatic injury (CA-1) alleging that on February 11, 1997 at 10:15 a.m., she sustained an injury in her lower back as a result of "pushing full APC of flats to designated area, from the flat sorter machine." On the reverse of the form, appellant's supervisor indicated that appellant "was already being treated by a physician for her back."

Appellant submitted a statement noting that she injured her back on February 11, 1997 while she was lifting trays of third class mail from the belt onto the tray belt and from the tray belt to a hamper and then by pushing it away. She stated that she did not immediately file a claim because she thought the pain would go away, and that since the pain increased, she sought medical care on February 15, 1997.

On February 15, 1997 appellant was treated by Dr. Jeffrey Dreyer, a Board-certified family practitioner, in the Mount Carmel Hospital emergency room. Dr. Dreyer released her to return to work. He failed to fill out the Form CA-17 in its entirety, but noted the subsequent Form CA-20 for guidance. Regarding the alleged incident, Dr. Dreyer noted in the history portion of an undated attending physicians' report, Form CA-20, that appellant experienced pain in her back when she attempted to straighten up after pushing an APC and noted that he first examined her on February 15, 1997. He indicated by a check mark that appellant's condition was caused or aggravated by her work injury, and explained that it occurred after she pushed the APC. Dr. Dreyer noted that appellant had told him that she had back pain in January. In an emergency department report from Mount Carmel dated February 15, 1997, he stated that appellant presents with recurrent back pain, that either on Tuesday or Wednesday she was at work and pushed a heavy piece of equipment as a result of which she experienced back pain and

that she had a similar experience three weeks ago and was seen at Columbus Community Hospital.

By letter dated March 4 1997, the Office of Workers' Compensation Programs requested detailed medical evidence from appellant.

In a "certificate of physician for light or limited duty" report dated March 19, 1997, Dr. Beryl Fruth, a Board-certified family practitioner, opined that appellant was limited to light-duty work for four weeks as a result of lumbar strain. Dr. Fruth did not address causation in that report. On April 1, 1997 in a duty status report, Form CA-17, he noted that appellant told him that she pushed a heavy cart at work, which caused lower back pain and it progressed into her hip. Dr. Fruth noted no prior history of back problems. He also indicated with a check mark "yes" that appellant's condition was caused or aggravated by an employment incident. Dr. Fruth explained that there was no evidence of back pain until this incident.

In an attending physician's report, Form CA-20, dated March 20, 1997, Dr. Edwin Season, a Board-certified orthopedist, also indicated with a check mark "yes" that appellant's condition was caused or aggravated by an employment incident. Dr. Season noted that appellant had no history of a preexisting injury, that appellant could resume light-duty work on March 20, 1997 and return to full duty on June 19, 1997. The record also contains a treatment note from him, in which he noted on March 20, 1997, that appellant sustained a "new work injury" at work on February 11, 1997 when she hurt her back as a result of pushing APC equipment. He concluded that appellant sustained a sub-acute lumbosacral strain at the time of her injury on February 11, 1997. Appellant also submitted factual evidence to support her claim.

In a decision dated April 11, 1997, the Office denied appellant's claim for failure to establish fact of injury. The Office found that there was no evidence of a work-related injury.

On May 6, 1997 appellant requested a review of the written record by an Office hearing representative. She resubmitted evidence previously of record. Also included was a May 6, 1997 report from Dr. Fruth, who noted that he saw appellant for the first time for right hip pain on December 31, 1996 and that he saw her again on several occasions in January 1997 for the same condition. He found that her hip pain progressed into back pain, and ordered a magnetic resonance imaging (MRI) scan. Dr. Fruth did not address an employment relationship.

By decision dated October 8, 1997, the Office hearing representative affirmed the Office's April 11, 1997 decision on the grounds that the medical evidence failed to establish that her lower back pain was proximately caused by any work-related incident on February 11, 1997.

The Board finds that appellant has failed to establish that she sustained an injury in the performance of duty on February 11, 1997, as alleged.

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

¹ 5 U.S.C. § 8101 *et seq.*

individual is an “employee of the United States within the meaning of the Act, that the claim was filed within the applicable time limitations 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 and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.³

In order to determine whether an employee actually sustained an injury in the performance of a duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components, which must be considered, in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident, which is alleged to have occurred. In this case, the Office does not dispute that the incident involving appellant’s pushing the cart occurred on February 11, 1997, as alleged.

The second component is whether the employment incident caused a personal injury and it generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability claimed, and the employment event or incident, the employee must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.⁴ In assessing medical evidence, the weight of such evidence is determined by its reliability, its probative value and its convincing quality, and the factors which enter in such an evaluation include the opportunity for, and thoroughness of examination, the accuracy and completeness of the physician’s knowledge of the facts and medical history, the care of the analysis manifested, and the medical rationale expressed in support of the physician’s opinion.

In this case, although Drs. Fruth, Season and Dreyer indicated a causal relationship between appellant’s employment and her diagnosed condition, the Board finds that the medical evidence is not rationalized and, therefore, it is insufficient to meet appellant’s burden of proof. In his March 19, 1997 “certificate of physician for light or limited duty,” Dr. Fruth failed to address causation between appellant’s lumbar strain and her employment. In his April 1, 1997 opinion, although Dr. Fruth indicated with a check mark “yes” that appellant’s condition was caused or aggravated by an employment incident, he failed to provide a sufficient rationale explaining the relationship between the diagnosed condition and the mechanism of the employment incident.⁵ His statement that appellant had no prior history of back pain is also insufficient to meet appellant’s burden of proof as the Board has held that an opinion that a condition is causally related to an employment incident because an employee was asymptomatic

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

³ *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

⁴ *Gary R. Sieber*, 46 ECAB 215, 224 (1994); *Melvina Jackson* 38 ECAB 443, 449-50 (1987); *Naomi A. Lilly*, 10 ECAB 560, 573 (1959).

⁵ *Thomas L. Hogan*, 47 ECAB 323, 328-29 (1996).

before the injury but symptomatic after it, without appropriate medical rationale, is insufficient to establish causation.⁶

Although Dr. Season indicated in a Form CA-20 dated March 20, 1997 that appellant's condition was caused or aggravated by an employment incident, Dr. Season also failed to provide a rationale explaining the relationship between the diagnosed condition and the mechanism of the employment incident.⁷ For the same reason, Dr. Season's treatment note dated March 20, 1997 is insufficient to establish a causal relationship between the sub-acute lumbosacral strain and the alleged February 11, 1997 employment incident.

Dr. Dreyer's reports are also insufficient to establish a causal relationship between appellant's lower back pain and the incident on February 11, 1997. On the Form CA-17, he did not note a history of the injury, made no diagnosis, and did not address causal relationship.⁸ In the emergency department report dated February 15, 1997, Dr. Dreyer relayed the history of the incident, made a diagnosis of lower back pain, but again failed to address causal relationship.⁹ Moreover, he did not sign the report, thereby further diminishing the probative value of the report.¹⁰ In the undated Form CA-20 received by the Office on February 24, 1997, Dr. Dreyer noted the history of the injury, made a diagnosis of lower back pain, and concluded that appellant's condition was caused or aggravated by her work injury. However, he failed to explain the relationship between the diagnosed condition and the mechanisms of the employment incident.

The Board has held that an opinion on causal relationship which consists only of a physician checking "yes" to a medical form report question on whether the claimant's condition was related to the history given is of little probative value.¹¹ Without any explanation or rationale for the conclusion reached, such a report is insufficient to establish causal relationship.¹² Consequently, the reports of Drs. Season, Fruth and Dreyer are insufficient to meet appellant's burden of proof. The Board finds that appellant has failed to establish a causal relationship by rationalized medical evidence and therefore the Office properly denied appellant's claim for compensation on the grounds that she failed to establish fact of injury.

⁶ *Cleopatra McDougal-Saddler*, 47 ECAB 480, 489 (1996).

⁷ *Thomas L. Hogan*, *supra* note 5.

⁸ *Id.*

⁹ The Board notes that the physicians may have relied on an inaccurate and inconsistent medical history. Drs. Fruth and Season opined that appellant had no prior history of back problems. Appellant told Dr. Dreyer that she had a history of back problems and was treated just three weeks before at Columbus Community Hospital for similar symptoms. The Board concludes that appellant's attending physicians fail to show an accurate and complete knowledge of appellant's medical history, thereby further diminishing the probative value of their reports.

¹⁰ *See James A. Long*, 40 ECAB 538 (1989).

¹¹ *Ruth S. Johnson*, 46 ECAB 242-43 (1994); *Lillian M. Jones*, 34 ECAB 379, 381 (1982).

¹² *Id.*

The decisions of the Office Workers' Compensation Programs dated October 8 and April 11, 1997 are hereby affirmed.

Dated, Washington, D.C.
October 18, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

David S. Gerson
Member