

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of CATHY CRENSHAW and U.S. POSTAL SERVICE,  
AIRPORT MAIL FACILITY, Jamaica, NY

*Docket No. 98-851; Submitted on the Record;  
Issued October 12, 1999*

---

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's claim for compensation for the period commencing April 4, 1997.

The Office accepted appellant's claim for a lumbosacral strain. On April 3, 1997 appellant, then a 46-year-old postal clerk, sustained a back injury at work. Appellant stopped working on the date of her injury and has not returned to work since April 3, 1997.

The Board has duly reviewed the case record and concludes that the Office properly denied appellant's claim for compensation for the period commencing April 4, 1997.

An employee seeking benefits under the Federal Employees' Compensation Act 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 filed within the applicable time limitation 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>1</sup> 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.<sup>2</sup> As part of this burden the claimant must present rationalized medical evidence based upon a complete factual and medical background showing causal relationship.<sup>3</sup>

In an attending physician's report dated April 3, 1997, Dr. Hilton O. Hosannah, a thoracic surgeon, diagnosed low back strain and checked the "yes" box that appellant's back

---

<sup>1</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>2</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

<sup>3</sup> *Joseph T. Gulla*, 36 ECAB 516 (1985).

condition was work related. Dr. Hosannah stated that appellant had a back injury two years earlier while at home. He also stated that appellant was partially disabled from April 4 to 7, 1997 and could return to light-duty work on April 9, 1997.

In an attending physician's report dated May 6, 1997, Dr. Surendranath K. Reddy, appellant's treating physician and a Board-certified orthopedic surgeon, diagnosed lumbosacral derangement and stated that appellant was totally disabled from April 3, 1997 to the present. Dr. Reddy checked the "yes" box that appellant's condition was work related. In a disability note dated April 15, 1997, he reiterated that appellant sustained lumbosacral derangement with radiculopathy and that appellant was totally disabled. In a disability note dated April 7, 1997, Dr. Amalia Zelicof, a family practitioner, who worked in Dr. Reddy's medical group, stated that appellant was disabled from April 4 through 14, 1997. In reports dated from May 6 through June 17, 1997, Dr. Reddy opined that appellant continued to be totally disabled.

An x-ray dated April 23, 1997 showed degenerative changes of the spine and pelvic calcifications "probably phlebolitis but urinary tract stones cannot be excluded."

In a report dated April 15, 1997, Dr. Reddy considered appellant's history of injury, performed a physical examination in which he noted muscle spasm over the paralumbar musculature bilaterally, reviewed x-rays showing straightening of the lumbar lordosis and diagnosed lumbosacral derangement with radiculopathy. He noted that appellant had no previous history of accident or injury to the lower lumbar spine. Dr. Reddy stated that appellant was disabled.

On May 12, 1997 the employing establishment controverted the claim.

By letter dated June 27, 1997, the Office requested additional information from appellant including a medical report containing an opinion as to whether appellant could work, and if appellant could not work, an explanation for her disability.

In reports dated July 15, 1997, Dr. Reddy indicated that appellant continued to be totally disabled.

A magnetic resonance imaging (MRI) scan dated July 21, 1997 showed a herniated disc at the L5-S1 level compressing the underlying thecal sac and mild hypertrophy of the ligamenta flava at the L4-5 and L5-S1 levels. The MRI scan also showed an enlarged uterus which might be secondary to uterine fibroids.

In a duty status report dated August 12, 1997, Dr. Reddy diagnosed herniated disc at L5-S1 and opined that appellant was totally disabled. In an attending physician's report dated August 12, 1997, Dr. Reddy checked the "yes" box that appellant's herniated disc at L5-S1 was work related. In a duty status report dated September 11, 1997, Dr. Reddy diagnosed herniated disc at L5-S1 and reiterated that appellant was totally disabled.

By decision dated September 24, 1997, the Office denied the claim, stating that the medical evidence of record failed to establish that appellant was disabled from April 4, 1997 and continuing.

In the present case, appellant has not presented sufficient evidence to establish that she was totally disabled due to the April 3, 1997 employment injury. In his reports dated from May 6 through June 17, 1997, Dr. Reddy diagnosed lumbar derangement and stated that appellant was totally disabled. In his narrative report dated April 15, 1997, Dr. Reddy reiterated his opinion. The April 23, 1997 x-ray showed degenerative changes of the spine and pelvic calcifications. The July 21, 1997 MRI scan showed, in part, a herniated disc at the L5-S1 level. Based on the MRI scan, in his report dated August 12 and September 11, 1997, Dr. Reddy diagnosed herniated disc at L5-S1 and opined that appellant was totally disabled.

In his April 3, 1997 report, Dr. Hosannah stated that appellant was partially disabled from April 4 to 7, 1997 and could return to light-duty work on April 9, 1997. In her April 7, 1997 disability note, Dr. Zelicof opined that appellant was disabled from April 4 through 14, 1997.

Other than checking the “yes” box that appellant’s herniated disc was work related on the attending physician’s report, Dr. Reddy did not provide an explanation as to how appellant’s herniated disc was work related and how the herniated disc and lumbosacral strain were related, if at all. Further, he did not note the significance of the degenerative changes shown by x-ray. The Board has held that the opinion of a doctor who checks the “yes” box to a form question to indicate that appellant’s medical condition is work related is of little probative value on the issue of causal relationship.<sup>4</sup> Given that the evidence of record shows that appellant had a herniated disc at L5-S1 and degenerative changes in her spine as well as a lumbosacral strain, and the fact that a couple of the doctors of record indicated that appellant could return to work within a couple of weeks of her April 3, 1997 employment injury, Dr. Reddy’s opinion, without a rationalized explanation as to how appellant’s disability is work related, is insufficient to establish that appellant is totally disabled due to her April 3, 1997 employment injury. On June 27, 1997 the Office requested additional information from appellant but appellant was not responsive to this request. Appellant has therefore failed to establish her claim.

---

<sup>4</sup> *Ruth S. Johnson*, 46 ECAB 237, 243 (1994).

The decision of the Office of Workers' Compensation Programs dated September 24, 1997 is hereby affirmed.

Dated, Washington, D.C.  
October 12, 1999

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member