

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JEREMIAH KIM and U.S. POSTAL SERVICE,
POST OFFICE, Honolulu, HI

*Docket No. 99-1438; Submitted on the Record;
Issued August 15, 2000*

DECISION and ORDER

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

The issue is whether appellant has established a back injury causally related to factors of his federal employment.

In the present case, appellant, a distribution clerk, filed an occupational disease or illness claim (Form CA-2) on October 11, 1998, alleging that he sustained low back pain radiating into his legs. In a narrative statement, he attributed his condition to work activities such as lifting, pushing, pulling and bending. By decision dated December 11, 1998, the Office of Workers' Compensation Programs denied the claim on the grounds that the medical evidence was insufficient to establish an employment injury. In a decision dated February 19, 1999, the Office denied modification of the prior decision.

The Board has reviewed the record and finds that appellant has not established a back injury causally related to the identified employment factors.

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 the claimant.¹ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and his federal employment.² Neither the fact that

¹ *Victor J. Woodhams*, 41 ECAB 345 (1989).

² *See Walter D. Morehead*, 31 ECAB 188 (1979).

the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by his federal employment, is sufficient to establish causal relation.³

In this case, appellant identified employment factors such as lifting and bending as contributing to a back injury. The only medical evidence discussing causal relationship with employment is a report dated January 13, 1999 from Dr. Laura Wong, a family practitioner. Dr. Wong stated, "I feel his work duties, as described in his letter to you, have exacerbated his condition. I do believe repeated lifting of greater than 20 to 75 pounds did exacerbate his underlying condition. [Appellant] has had a history of lumbosacral strain in the past." The probative value of this report is limited by the lack of accompanying detail and explanation. Dr. Wong does not provide a complete factual and medical background, a clear diagnosis or a reasoned explanation as to the nature and extent of any exacerbation caused by employment activities. It is, as noted above, appellant's burden to submit sufficient medical evidence to establish his claim. The Board finds that appellant has not met his burden in this case.

The decisions of the Office of Workers' Compensation Programs dated February 19, 1999 and December 11, 1998 are affirmed.

Dated, Washington, D.C.
August 15, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

³ *Manuel Garcia*, 37 ECAB 767 (1986).