

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JESSE Y. CHO and U.S. POSTAL SERVICE,  
REMOTE ENCODING CENTER, Hayward, CA

*Docket No. 99-1842; Submitted on the Record;  
Issued December 20, 2000*

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DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,  
VALERIE D. EVANS-HARRELL

The issue is whether appellant sustained a back injury in the performance of duty causally related to factors of her employment.

On December 3, 1998 appellant, then a 19-year-old part-time data conversion operator, filed an occupational disease claim alleging that she sustained an injury to her lower back which she attributed to sitting and typing for long hours. She indicated that she first became aware of the condition on May 20, 1998.

In a letter dated December 4, 1998, appellant's supervisor related that appellant worked only two days per week, four to six hours per day and had not worked at all for two weeks prior to the submission of her claim on December 3, 1998. He related appellant's statement that her pain began six months earlier but she chose not to report the condition at that time because she thought it would resolve. The supervisor related that appellant had been involved in a motor vehicle accident on December 18, 1997 and complained of neck and back pain lasting four to five months but did not see a physician due to the lack of health insurance.

In reports dated December 7, 1998 and January 29, 1999, Dr. Lawrence Tang, a chiropractor, diagnosed subluxation complex of the cervical, thoracic and lumbar spine with associated cervical syndrome and carpal tunnel syndrome due to repetitive computer work.

By decision dated February 19, 1999, the Office of Workers' Compensation Programs denied appellant's claim.

The Board finds that appellant has failed to establish that she sustained a back injury causally related to factors of her employment.

In this case, the only medical evidence submitted by appellant were reports from her treating chiropractor, Dr. Tang, in which he diagnosed subluxation complex of the cervical, thoracic and lumbar spine with associated cervical syndrome and carpal tunnel syndrome due to

repetitive computer work. Under the Federal Employees' Compensation Act,<sup>1</sup> chiropractors are considered physicians and their reports considered medical evidence, only to the extent that they treat spinal subluxations as demonstrated by x-ray to exist.<sup>2</sup> However Dr. Tang did not indicate in his reports that his findings of subluxations were demonstrated by x-rays to exist. Therefore he is not a "physician" under the Act and his reports have no probative value on the issue of whether appellant sustained an employment-related back injury.

The decision of the Office of Workers' Compensation Programs dated February 19, 1999 is affirmed.

Dated, Washington, DC  
December 20, 2000

Willie T.C. Thomas  
Member

Michael E. Groom  
Alternate Member

Valerie D. Evans-Harrell  
Alternate Member

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> 5 U.S.C. § 8101(2); see *Bruce Chameroy*, 42 ECAB 121, 126 (1990); *Jack B. Wood*, 40 ECAB 95, 109 (1988).