

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ILENE B. DEFOE and U.S. POSTAL SERVICE,  
POST OFFICE, Troy, MI

*Docket No. 97-2452; Submitted on the Record;  
Issued January 13, 2000*

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DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
WILLIE T.C. THOMAS

The issue is whether appellant has established that she sustained an injury to her back that was causally related to factors of her federal employment.

On November 14, 1996 appellant, then a 25-year-old maintenance casual employee, filed a notice of traumatic injury and claim, alleging that on November 13, 1996 she injured her back while in the performance of duty. On January 16, 1997 the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the evidence of record did not establish a causal relationship between the claimed condition and factors of appellant's federal employment.

The Board has duly reviewed the entire case record on appeal and finds that appellant has not established a causal relationship between the claimed back injury and factors of her federal employment.

An award of compensation may not be based on surmise, conjecture, speculation or appellant's belief of causal relationship.<sup>1</sup> The Board has held that the mere fact that a disease or condition manifests itself during a period of employment does not raise an inference of causal relationship between the condition and the employment.<sup>2</sup> Neither the fact that the condition became apparent during a period of employment nor appellant's belief that employment caused or aggravated her condition is sufficient to establish causal relationship.<sup>3</sup> While the medical opinion of a physician supporting causal relationship does not have to reduce the cause or etiology of a disease or condition to an absolute certainty,<sup>4</sup> neither can such an opinion be

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<sup>1</sup> *Williams Nimitz, Jr.*, 30 ECAB 567, 570 (1979); *Miriam L. Jackson Gholikely*, 5 ECAB 537, 538-39 (1953).

<sup>2</sup> *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

<sup>3</sup> *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

<sup>4</sup> *See Kenneth J. Deerman*, 34 ECAB 641 (1983).

speculative or equivocal. The opinion of a physician supporting causal relationship must be one of reasonable medical certainty that the condition for which compensation is claimed is causally related to federal employment and such relationship must be supported with affirmative evidence, explained by medical rationale and be based upon a complete and accurate medical and factual background of the claimant.<sup>5</sup>

In the present case, appellant filed a claim alleging that she injured her back while lifting heavy objects in the lobby and cafeteria. In a letter dated December 20, 1996, the Office requested additional information from appellant, including a medical report in which the doctor fully addressed the causal relationship between the diagnosed injury and factors of the appellant's federal employment, hospital records and emergency room records. The Office received a CA-17 form in which the physician checked the yes box to indicate a causal relationship between the diagnosed condition of back strain and appellant's history of injury. However, this form does not provide a history of injury and appellant's job is listed incorrectly as a distribution clerk. As the physician did not give a detailed history of appellant's injury and her position is incorrect, this opinion is of limited probative value.<sup>6</sup> Appellant also submitted emergency room notes from Dr. Alfred Austin who diagnosed muscle spasms of the upper back. However he does not indicate the cause of the diagnosed condition. Therefore, the record does not contain any evidence that provides a rationalized medical opinion discussing the causal relationship between the diagnosed condition and factors of appellant's federal employment.<sup>7</sup>

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<sup>5</sup> See *Margaret A. Donnelly*, 15 ECAB 40 (1963); *Morris Scanlon*, 11 ECAB 384 (1960).

<sup>6</sup> *James A. Wyrich*, 31 ECAB 1805 (1980).

<sup>7</sup> The record contains medical reports that were submitted after the issuance of the Office's decision denying compensation. The Board's review is limited to the evidence that was before the Office at the time of its final decision. The Board therefore cannot consider this evidence. 20 C.F.R. § 501.2(c).

The decision of the Office of Workers' Compensation Programs dated January 16, 1997 is hereby affirmed.

Dated, Washington, D.C.  
January 13, 2000

George E. Rivers  
Member

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member