

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM H. GRIMES, JR. and U.S. POSTAL SERVICE,
PITTSBURGH BULK MAIL CENTER, Warrendale, PA

*Docket No. 98-561; Submitted on the Record;
Issued March 22, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that he was disabled from May 29 through August 4, 1995 due to a May 6, 1995 employment injury.

On May 6, 1995 appellant, then a 31-year-old mailhandler, was bending down to detach a vehicle from a towline when he developed back pain. Appellant worked intermittently until May 20, 1995 when he entered a leave-without-pay status. He returned to work on August 4, 1995. In an August 15, 1996 decision, the Office of Workers' Compensation Programs denied appellant's claim for leave buy back for the period May 29 through August 4, 1995 on the grounds that the medical evidence submitted was insufficient to show that appellant's disability was causally related to the May 6, 1995 employment injury. In an August 21, 1996 letter, appellant requested reconsideration. In a November 22, 1996 merit decision, the Office denied appellant's request for modification of the prior decision. In a November 26, 1996 letter, appellant again requested reconsideration. In a February 20, 1997 merit decision, the Office denied appellant's request for modification. In a February 27, 1997 letter, appellant requested reconsideration. In an April 14, 1997 merit decision, the Office denied appellant's request for modification. In an April 27, 1997 letter, appellant requested reconsideration. In a July 1, 1997 decision, the Office denied appellant's request for modification of the prior decisions. In a July 4, 1997 letter, appellant again requested reconsideration. In an October 23, 1997 merit decision, the Office denied appellant's request for modification.

The Board finds that appellant has not established that his disability from May 29 to August 4, 1995 was causally related to his May 6, 1995 employment injury.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim. Appellant has the burden of

¹ 5 U.S.C. §§ 8101-8193.

establishing by reliable, probative and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.² As part of such burden of proof, rationalized medical opinion evidence showing causal relation must be submitted.³ The mere fact that a condition manifests itself or worsens during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁴ Such a relationship must be shown by rationalized medical evidence of causal relation based upon a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated a disability.⁵

In a May 6, 1995 report, Dr. P. Achalabun, Board-certified in emergency medicine, gave a history of appellant's employment injury and diagnosed acute lumbar strain. He noted appellant had a previous history of back pain after a car accident in March 1995. He reported that appellant was fit for modified duties effective May 7, 1995 with no lifting over 10 pounds, no bending, no stooping and no prolonged standing for over 1 hour. In a May 25, 1995 note, Dr. Richard S. Gehl, a Board-certified orthopedic surgeon, indicated that appellant had a lumbosacral strain. In a June 15, 1995 note, Dr. Gehl indicated that appellant had severe low back pain radiating into both legs with numbness and tingling. In a July 20, 1995 note, Dr. Gehl indicated that a magnetic resonance imaging (MRI) scan showed a mildly bulging disc at L4-5 with no nerve root encroachment. In a June 27, 1996 report, Dr. Gehl stated that appellant had a history of lumbosacral strain and was found to have a bulging disc. He noted appellant complained of old back pain, pain radiating into his legs, numbness and tingling. He related that sitting, standing, coughing and sneezing aggravated appellant's pain. He again diagnosed lumbar strain. In a July 1, 1996 form report, Dr. Gehl stated that appellant was lifting heavy sacks of mail and had severe low back. He noted appellant had been in an automobile accident on March 1, 1995. He diagnosed lumbosacral strain and related the condition to the history of injury. In an August 21, 1996 report, Dr. Gehl corrected the history of injury from lifting heavy bags of mail to pulling a heavy cart. He indicated that he initially saw appellant following a March 8, 1995 car accident for a back and neck injury. He noted that appellant was being treated for back pain in May 1995. Appellant gave a history of increased back pain after pulling a heavy cart. He referred appellant for an MRI scan which showed a bulging disc. In a February 27, 1997 report, Dr. Gehl stated that appellant had a history of a work-related injury in May 1995 when bending over to fix a towline. He noted appellant began to complain of back pain. He commented that appellant was still being treated for chronic, intractable low back pain. Appellant subsequently submitted contemporaneous slips from Dr. Gehl who stated that appellant had low back strain and could not work from May 25 through July 31, 1995. In all the reports from Dr. Gehl, the doctor did not specifically and directly state that appellant was disabled due to his May 6, 1995 employment injury. He also did not offer any rationale on how the May 6, 1995 employment injury would have caused appellant to be disabled for the period at issue. The medical evidence of record, therefore, does not establish that appellant's disability

² *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

³ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

⁴ *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁵ *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).

was causally related to the May 6, 1995 employment injury. Appellant has not met his burden of proof.

The decisions of the Office of Workers' Compensation Programs, dated October 23, July 1, April 14 and February 20, 1997, are hereby affirmed.

Dated, Washington, D.C.
March 22, 2000

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member