

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of NORMA M. TABANI and U.S. POSTAL SERVICE,
EAST NAPLES CARRIER ANNEX, Naples, FL

*Docket No. 98-1822; 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 sustained an injury on April 11, 1997 causally related to her federal employment.

The Board has duly reviewed the case record and finds that appellant has failed to meet her burden of proof to establish that she sustained an injury on April 11, 1997 causally related to her employment.

An employee who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim.² The claimant has the burden of establishing by the weight of reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of the employment. As part of this burden, the claimant must present rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, establishing causal relationship.³

On April 14, 1997 appellant, then a 60-year-old letter carrier, filed a traumatic injury claim alleging that on April 11, 1997 she injured her neck and the back of her head when her employing establishment vehicle was struck from behind. By decisions dated July 14 and December 29, 1997 and April 8, 1998, the Office of Workers' Compensation Programs denied appellant's claim.

Appellant submitted medical evidence in support of her claim.

¹ 5 U.S.C. §§ 8101-8193.

² *Ruthie M. Evans*, 41 ECAB 416, 423-24 (1990); *Donald R. Vanlehn*, 40 ECAB 1237, 1238 (1989).

³ *Brian E. Flescher*, 40 ECAB 532, 536 (1989); *Ronald K. White*, 37 ECAB 176, 178 (1985).

In form reports dated April 23, 1997, Dr. Patrick M. Kane, an otolaryngologist, indicated that the “condition” of chronic vertigo⁴ and chronic right otitis media⁵ was exacerbated by the April 11, 1997 motor vehicle accident. However, he failed to provide medical rationale explaining how the April 11, 1997 motor vehicle accident caused appellant’s ear condition and vertigo to worsen. Therefore, these reports are not sufficient to establish that appellant’s ear condition and vertigo were causally related to the April 11, 1997 incident.

In a report dated July 22, 1997, Dr. Kane related that appellant was in an employment establishment vehicle on April 11, 1997 when her vehicle was struck from behind. He stated that appellant had a preexisting condition of vertigo which had been under medical management through his office for years but that she had an acute exacerbation and worsening of this condition which required renewed and intensive medical management and was directly related to the motor vehicle accident. However, Dr. Kane did not provide medical rationale explaining how the accident had caused a worsening of her preexisting vertigo. Therefore, this report is not sufficient to discharge appellant’s burden of proof.

In notes dated May 8, 1997, Dr. Kane related that appellant had developed a severe sinus inflammation, sore throat and head cold. He provided findings on examination and diagnosed acute sinusitis and pharyngitis. In notes dated June 5, 1997, Dr. Kane noted that the inferior aspect of the right ear drum was full of granulation tissue and related that the ear was operated on in 1983, 1990 and 1994. He diagnosed a chronic inflamed ear drum with vertigo. In notes dated June 30, 1997, Dr. Kane related that the right ear was cleaned of debris, noted diffuse erythema still in the medial canal and the inferior drum and diagnosed pharyngitis and otitis externa. In notes dated July 21, 1997, he noted that the right ear was improved but was still thickened and erythematous and diagnosed otitis externa. These notes indicate that appellant had a sinus and throat condition, a cold and inflammation of both the middle and external portions of the right ear and that she was experiencing vertigo. In light of all the medical problems that appellant was experiencing that could have contributed to her symptom of vertigo, a rationalized medical explanation as to why Dr. Kane felt that the April 11, 1997 work-related motor vehicle accident had contributed to a worsening of appellant’s vertigo is critical. As he did not provide such an explanation, these notes do not suffice to meet appellant’s burden of proof that she sustained a work-related injury on April 11, 1997.

⁴ Vertigo is “an illusion of movement; a sensation as if the external world were revolving around the patient... Vertigo may result from diseases of the inner ear or may be due to disturbances of the vestibular centers or pathways in the central nervous system.” *Dorland’s Illustrated Medical Dictionary* (27th ed. 1988), page 1831.

⁵ Otitis media is an inflammation of the middle ear. *Id.* at page 1202.

The decisions of the Office of Workers' Compensation Programs dated April 8, 1998 and December 29 and July 14, 1997 are affirmed.

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

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member