

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROY P. GATES and DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, DEER LODGE NATIONAL FOREST,
Philipsburg, MT

*Docket No. 98-1953; Submitted on the Record;
Issued March 7, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant has established that his seizure disorder or his cervical spine condition is causally related to his August 6, 1991 employment injury.

This case has previously been on appeal before the Board. By decision and order dated February 28, 1997, the Board found that appellant had not established that his degenerative arthritis of the cervical spine, his double vision, his tinnitus or his seizure disorder were causally related to his August 6, 1991 employment injury. The Board further found that appellant had established that the August 6, 1991 employment injury aggravated appellant's migraine headache syndrome.¹

By letters dated December 1 and 5, 1997, appellant requested reconsideration. Appellant submitted a report of magnetic resonance imaging (MRI) scan of the cervical spine performed on April 18, 1997; the impression was "degenerative disc disease and mild disc bulge at C5-6 without evidence of cord impingement." He also submitted a report dated April 22, 1997 from Dr. William S. Masland, a Board-certified neurologist, stating that appellant "had a seizure a week or two ago and bruised his forehead." Dr. Masland then stated:

"It is quite apparent from some psychological testing, that he does have an impairment of his cognitive functioning. It is equally apparent that he has a post-traumatic epilepsy. The trauma occurred while he was employed and is definitely work related. Typically, post-traumatic epilepsies are difficult to control."

¹ Docket No. 95-1186.

By decision dated January 16, 1998, the Office of Workers' Compensation Programs found that the additional evidence was not sufficient to warrant modification of the prior decisions.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his condition was caused or adversely affected by his employment. As part of this burden he must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.²

The Board finds that appellant has not established that his seizure disorder or his cervical spine condition is causally related to his August 6, 1991 employment injury.

The report of the MRI scan of appellant's cervical spine was not accompanied by a statement indicating whether the findings on this test were related to appellant's employment. This report does not indicate that appellant has a cervical spine condition causally related to his employment. The report from Dr. Masland, a Board-certified neurologist, does indicate that appellant's epilepsy is related to trauma incurred at work. This report, however, does not contain a history of appellant's employment injury, nor does it contain any rationale explaining why the doctor believes the epilepsy is related to appellant's employment. Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee's burden of proof.³ For these reasons, Dr. Masland's report is not sufficient to establish that appellant's epilepsy is causally related to his employment.

² *Froilan Negron Marrero*, 33 ECAB 796 (1982).

³ *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

The decision of the Office of Workers' Compensation Programs dated January 16, 1998 is affirmed.

Dated, Washington, D.C.
March 7, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Bradley T. Knott
Alternate Member