

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of STEPHEN HUMANICK and DEPARTMENT OF JUSTICE, FEDERAL
CORRECTIONAL INSTITUTION SCHUYLKILL, Minersville, PA

*Docket No. 97-2665; Submitted on the Record;
Issued May 17, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant sustained an injury on April 24, 1997 while in the performance of his duties.

In a decision dated July 11, 1997, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the medical evidence of record was insufficient to establish that his condition was causally related to the injury alleged.

The Board finds that the evidence of record is *prima facie* insufficient to establish that appellant sustained an injury while in the performance of his duties.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.²

Causal relationship is a medical issue,³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete

¹ 5 U.S.C. §§ 8101-8193.

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); see also 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. §§ 10.5(a)(15)-10.5(a)(16) ("traumatic injury" and "occupational disease or illness" defined).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

factual and medical background of the claimant,⁴ must be one of reasonable medical certainty⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁶

On June 10, 1997, after appellant filed a claim asserting that he injured his left neck and shoulder on April 24, 1997 while in the performance of his duties, the Office requested additional factual and medical information. The Office requested that appellant submit within 20 days a physician's opinion, supported by medical rationale, as to how the reported work incident caused or aggravated the claimed cervical and shoulder injury. The Office emphasized that this explanation was crucial to appellant's claim.

The Office received statements concerning the facts of the case and certain medical documents, including disability slips and treatment notes. In a report dated June 26, 1997, Dr. Peter Johnston, a chiropractor, advised the Office that he was reserving comment on the issue of causal relationship. He explained that he needed to complete a review of appellant's August 3, 1994 automobile accident to fully answer the question, and he had not yet received the documents to render a decision. Dr. Johnston requested that the Office forward a note in approximately two weeks, by which time he would have the accident records and would be able to answer the question of causal relationship fully.

On July 10, 1997 the Office informed appellant of the conditions under which a chiropractor may be considered a physician under the Act. On July 11, 1997 the Office denied appellant's claim.

Because appellant submitted no medical opinion evidence supporting that the employment incident of April 24, 1997 caused or contributed to his left neck or shoulder condition, the Board finds that he has failed to make a *prima facie* case for entitlement.⁷

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Development of Claims*, Chapter 2.800.2.g, 3.a (April 1993) (a person claiming compensation must show sufficient cause for the Office to proceed with processing and adjudicating a claim by submitting the essentials of a *prima facie* case).

The July 11, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
May 17, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member