

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHAEL RIFE and U.S. POSTAL SERVICE,
POST OFFICE, Jackson, MI

*Docket No. 01-120; Submitted on the Record;
Issued August 8, 2001*

DECISION and ORDER

Before BRADLEY T. KNOTT, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a back injury causally related to factors of his federal employment.

On May 13, 2000 appellant, then a 38-year-old temporary supervisor, filed a notice of occupational disease, alleging that his excessive work hours and duties as acting supervisor caused his back and leg pain. Appellant indicated that he had a history of back and leg pain but that on May 13, 2000 "the pain had increased more than usual."

Appellant submitted a June 1, 2000 treatment note from Dr. David J. Smith, a Board-certified family practitioner, indicating that appellant was to be off work from May 15 through July 4, 2000 due to a herniated disc, a personal statement dated June 2, 2000, a copy of a May 28, 2000 magnetic resonance imaging (MRI), an June 1, 2000 attending physician's report from Dr. Smith and a May 25, 2000 letter from Dr. Smith. The May 28, 2000 MRI indicated "postoperative changes in the right at L5-S1. Evidence of recurrent disc which now results in some mass effect on the right at the L5-S1 level." Dr. Smith referred to appellant's 1996 surgery in his attending physician's report and indicated "reoccurrence [sic] of problem, pain and weakness, February 2000." In his letter Dr. Smith stated:

"Patient has known history of a herniated nucleus pulposis, laminectomy, and chronic back pain. Recently he has taken a turn for the worse presenting with complaints compatible with spinal stenosis."

By letter dated July 10, 2000, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical information regarding his claim.

Appellant submitted a June 22, 2000 report from Dr. Smith indicating that he needed to undergo a second laminectomy and was to be off work from May 13 through September 1, 2000 due to "back pain."

Appellant also submitted a treatment note from Dr. Theodore C. DeLa Cruz, a Board-certified neurological surgeon, who indicated that appellant was scheduled to undergo surgery on July 24, 2000,¹ a July 17, 2000 personal statement, and a July 31, 2000 report from Dr. Smith. He opined:

“His [appellant’s] disc disease originated while carrying and delivering mail, original onset occurring while bending over to insert mail into a slot November 3, 1995. This resulted in a laminectomy on January 9, 2000. Since, [appellant] has been doing management work. His back/leg pain gradually returned following surgery and, with time, became severe enough to necessitate further evaluation.”

He continued:

“There is no question in my mind that [appellant’s] problems are related to his employment in that they originated while he was performing his employment duties and they have reoccurred [sic] while doing the same.”

By decision dated August 11, 2000, the Office denied appellant’s claim on the grounds that the evidence of record did not establish that his back condition was causally related to his employment.

The Board finds that appellant has not met his burden of proof in establishing that he sustained a lower back injury causally related to factors of his federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.²

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.³

¹ The surgery was later postponed until July 28, 2000.

² *Vicky L. Hannis*, 48 ECAB 538 (1997).

³ *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

Appellant has not alleged a recurrence of his prior injury, but rather a new occupational injury. The only medical evidence of record which attempted to address appellant's back condition as related to his employment is the July 31, 2000 report from Dr. Smith, who diagnosed appellant with recurrent disc disease following his 1996 laminectomy. He opined that appellant's condition originated while carrying and delivering mail in 1995. He further stated that since that time appellant has been doing management work. He then indicated that appellant's back/leg pain gradually returned following surgery.

Dr. Smith opined that appellant's back condition originated and recurred due to his employment, but did not offer any medical rationale. In filing his claim, appellant specifically indicated that his duties as a temporary supervisor caused the worsening of his back and leg pain. Dr. Smith attributed appellant's condition to his postal employment in general, and did not provide a rationalized medical opinion relating appellant's back condition to his position as supervisor. The fact that Dr. Smith mentioned that appellant "has been doing management work" followed by the statement that "his back/leg pain gradually returned following surgery" is not sufficient to establish a causal connection.

Since the medical evidence submitted does not establish a clear, causal relationship between appellant's back condition and his employment as acting supervisor, appellant has not met his burden of proof in establishing his claim.

The August 11, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 8, 2001

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member