

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PATRICIA DANTZLER and DEPARTMENT OF DEFENSE,
OFFICE OF THE ADJUTANT GENERAL, Atlanta, GA

*Docket No. 01-217; Submitted on the Record;
Issued August 30, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained an injury causally related to factors of her federal employment.

On February 18, 2000 appellant, then a 36-year-old traffic management assistant, filed a traumatic injury claim, alleging that she sustained a cervical and shoulder sprain and strain on February 17, 2000 when she filled in for another employee and was performing heavy lifting of aircraft parts and equipment and was unloading and loading trucks. A Georgia State Board of Workers' Compensation Medical report stated that appellant was treated for sprain of the neck and shoulder and upper arm on February 18, 2000. On health forms from the St. Joseph's Health Center dated February 21 and March 1, 2000 appellant was diagnosed as having cervical right shoulder strain and was returned to light-duty work for five days with no lifting over five pounds. A magnetic resonance imaging (MRI) scan dated March 8, 2000 showed very slight degenerative disc changes at C2-C3 through C6-C7. A progress note dated February 17, 2000 documented pain in appellant's shoulder and neck and stated that appellant had been doing lots of lifting.

In a progress note dated June 5, 2000, appellant's treating physician, Dr. Andrew T. Sheils, Jr., a Board-certified orthopedic surgeon, considered that appellant complained of neck pain, that the physical examination showed that neurologically, appellant was active with symmetrical reflexes and good motor strength and the MRI scan was basically negative. He prescribed Arthrotec and a 25-pound weight lifting restriction. In a report dated April 17, 2000, Dr. Sheils stated that appellant attributed her neck pain to doing a lot of packing of airplane parts and lifting heavy boxes. He performed a physical examination noting that appellant had discrete pain with hyperextending the neck and no pain on hyperflexion. Dr. Sheils found that a neck x-ray was negative. In a progress note dated April 20, 2000, Dr. Sheils stated that he did not think appellant sustained any serious injury and that for a few weeks she should try not lifting "anything real heavy."

By letter dated July 31, 2000, the Office of Workers' Compensation Programs informed appellant that additional evidence was necessary including a rationalized medical opinion from her physician addressing how her current condition resulted from the February 17, 2000 work incident.

By decision dated September 5, 2000, the Office denied appellant's claim, stating that the medical evidence of record was not sufficient to establish that her condition was caused by the event.

The Board finds that appellant did not establish that she sustained an injury causally related to factors of her federal employment.

An employee seeking benefits under the Act has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was filed within the applicable time limitation of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.¹ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.²

The medical evidence required to establish a causal relationship, generally, is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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

In this case, appellant has not submitted the requisite evidence to establish causal relationship. In his reports dated June 5, April 17 and 20, 2000, appellant's treating physician, Dr. Sheils, described appellant's medical condition and prescribed treatment but he did not address causation. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.⁴ Similarly, the other contemporaneous medical evidence appellant submitted consisting of a February 17, 2000 progress note, medical reports or forms dated February 18, February 21 and March 1, 2000, and the March 8, 2000 MRI scan are not probative because they do not address causation. Although the Office advised appellant of the evidence necessary to establish her claim, appellant did not submit the requisite evidence.

¹ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

² *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

³ *Gary L. Fowler*, 45 ECAB 365, 371 (1994); *Ern Reynolds*, 45 ECAB 690, 695 (1994).

⁴ *Dennis M. Mascarenas*, 49 ECAB 215, 218 n. 9 (1997).

The decision of the Office of Workers' Compensation Programs dated September 5, 2000 is hereby affirmed.

Dated, Washington, DC
August 30, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member