

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELIZABETH ZAMUDIO and DEPARTMENT OF VETERANS AFFAIRS,
RECORDS MANAGEMENT CENTER, St. Louis, MO

*Docket No. 01-413; Submitted on the Record;
Issued August 7, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's request for referral to a pain management clinic.

On August 9, 1999 appellant, then a 38-year-old programs support clerk, sustained left knee and lumbosacral sprains and multiple contusions when she tripped on carpeting at work. She was totally disabled from August 9 to 22, 1999 and returned to regular duty on August 23, 1999.

In notes dated August 9 and 13, 1999, Dr. Joseph W. Thompson, appellant's attending family practitioner, diagnosed an abrasion of the left forearm, multiple contusions, and mild left knee and lumbosacral sprains. He noted that there was full range of motion of the neck and no paracervical muscle tenderness.

In notes and a report dated August 20, 1999, Dr. Thompson diagnosed a resolved left knee sprain and a resolving lumbosacral sprain but stated that appellant had pain in the upper back area and tingling in the left arm. He indicated that she could return to regular work on August 23, 1999.

In notes dated January 26, 2000, Dr. Thompson stated that appellant's lower back was better but she was still having neck and thoracic spine pain. He diagnosed a resolved lumbosacral sprain, cervical and thoracic sprains, and possible cervical radiculopathy.

X-rays of the cervical and thoracic spine taken on January 26, 2000 were reported as being normal.

A magnetic resonance imaging scan of the cervical spine taken on April 19, 2000 revealed a normal cervical spine with the exception of a small central disc or osteophyte at C4-5 which contacted the cervical spinal cord but did not result in a significant central canal stenosis (narrowing).

On May 25, 2000 Dr. Thompson faxed to the employing establishment a request for authorization to refer appellant to a pain management clinic. He attached a May 19, 2000 report from Dr. Daniel Scodary, a neurosurgeon to whom appellant had been referred by Dr. Thompson. Dr. Scodary stated that appellant had pain in the neck and thoracic spine, diagnosed myofascial syndrome secondary to her employment injury, and recommended that she be referred to a pain management clinic.

In notes dated June 6, 2000, Dr. Thompson stated that appellant continued to have pain in her upper back. He diagnosed cervical and thoracic sprains, cervical radiculopathy, and myofascial pain syndrome.

In a memorandum dated October 8, 2000, Dr. Daniel Zimmerman, the Office's district medical Director, noted that the initial reports concerning appellant's August 9, 1999 employment injury did not indicate any cervical or thoracic spine problem and that it was not until August 20, 1999 that appellant reported pain in the upper back. He noted that appellant was not taking any medication for pain according to her treating physician, was not using heat packs or ice packs to decrease discomfort, and was not engaged in any self-directed exercise program. Dr. Zimmerman also noted that appellant was performing her regular job. He stated that the need for referral to a pain management clinic was not established by the medical evidence.

By decision dated October 26, 2000, the Office denied appellant's request for referral to a pain management clinic on the grounds that the medical evidence of record did not establish the need for this referral.¹

The Board finds that the Office properly denied appellant's request for referral to a pain management clinic.

Section 8103(a) of the Federal Employees' Compensation Act,² provides that the United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances, and supplies prescribed or recommended by a qualified physician, which the Secretary of Labor considers likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of monthly compensation.

In this case, appellant's attending family practitioner, Dr. Thompson, requested that the Office authorize her referral to a pain management clinic on the basis of a May 19, 2000 report from Dr. Scodary, a neurosurgeon, who diagnosed a myofascial pain syndrome based upon findings of thoracic spine and neck pain and recommended referral to a pain management clinic. However, the area of the back injured on August 9, 1999 was the lumbar spine, the low back. The Office has not accepted an injury to appellant's cervical or thoracic spine. In August 9, 1999 notes, Dr. Thompson indicated that appellant had full range of motion of the neck and no

¹ The record contains additional evidence that was not before the Office at the time it issued its October 26, 2000 decision. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *Robert D. Clark*, 48 ECAB 422, 428 (1997).

² 5 U.S.C. § 8103(a).

paracervical muscle tenderness. It was not until August 20, 1999 that appellant reported a problem with her upper back. Neither Dr. Thompson nor Dr. Scodary provided a rationalized medical opinion explaining how appellant's cervical and thoracic back problems were causally related to the August 9, 1999 employment injury to the lumbar spine. Neither did they provide an explanation as to why referral to a pain management clinic was necessary in light of the fact that, as the Office's district medical Director noted, appellant's physicians had apparently not attempted treatment of the cervical and thoracic problems by medication, heat or ice packs, or self-directed exercise. Such explanation is particularly important considering that appellant was apparently performing her regular work without restriction. As appellant failed to establish that referral to a pain management clinic was necessary for treatment of a work-related condition, the Office properly denied her request for referral to a pain management clinic.

The October 26, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
August 7, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member