

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VALERIE J. CHRONISTER and U.S. POSTAL SERVICE,
MAIN POST OFFICE, Spartanburg, SC

*Docket No. 00-497; Submitted on the Record;
Issued February 2, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
VALERIE D. EVANS-HARRELL

The issue is whether appellant met her burden of proof to establish that she sustained an employment-related injury.

On May 6, 1999 appellant, a then 41-year-old mail processor, filed a traumatic injury claim alleging that on April 1, 1999 she sustained a lower back/disc injury due to lifting and moving heavy objects, and repeated bending. In support of her claim, appellant submitted an April 16, 1999 form report in which Dr. Melinda Durham, a Board-certified family practitioner, and Dr. Gerald Rollins, a Board-certified orthopedic surgeon, provided restrictions to her physical activity. In an April 26, 1999 treatment note, Dr. Rollins diagnosed appellant with a lumbar sprain/strain. In a May 3, 1999 report, he diagnosed degenerative disc disease.

In an undated letter, appellant stated that she had not been working due to an ankle injury.¹ She returned to work on April 21, 1999 with restrictions, but was taken off light duty. Appellant indicated that the following day she began to experience back pain.

On May 18, 1999 the Office of Workers' Compensation Programs requested by letter further information from appellant, including a physician's opinion supported by a medical explanation as to how the employment incident caused or aggravated appellant's injury. The Office noted that the medical evidence did not explain the connection between her injury and employment. The Office also requested further information as to why appellant's physician changed his diagnosis from lumbar sprain/strain on April 26, 1999 to degenerative disc disease on May 3, 1999. In addition, the Office noted that appellant waited longer than 30 days to report her injury and requested an explanation of same. The Office allotted appellant 30 days within which to supply the requested information. However, appellant did not reply within the allotted time.

¹ The record does not indicate that this was employment related.

By a decision dated June 24, 1999, the Office denied appellant's claim on the grounds that she did not establish the fact of injury. The Office found that, while the incident was established, appellant did not submit medical evidence to support that her injury was caused or triggered by her employment factors.

By letter dated August 2, 1999, appellant requested reconsideration and submitted additional medical evidence.

In a form report dated February 26, 1999, Dr. Durham noted that appellant sought treatment for leg pain. By report dated March 3, 1999, Dr. Durham diagnosed a left ankle sprain and on April 3, 1999, noted that appellant was complaining of pain in her left ankle "and now also [in] her knee she is having pain and it is going up her thigh."

In an April 5, 1999 report, Dr. J. Samuel Seastrunk, a Board-certified orthopedic surgeon, diagnosed knee pain, chondromalacia patella, unspecified internal derangement and osteoarthritis of the lower leg. Dr. Seastrunk referred appellant to Dr. Rollins for back pain. An April 27, 1999 magnetic resonance image (MRI) scan of the lumbar spine revealed degenerative disc disease at the L3-4 and L4-5 levels, and minimal canal stenosis at the L3-4 and L4-5 levels due to tiny bulging annuli, bilateral foraminal stenosis, worse on the left, and no evidence of herniated disc. Dr. Rollins noted this new diagnosis on May 3, 1999.²

Dr. Rollins also submitted a number of reports indicating that appellant could not work. He provided a notation³ stating, "Read reports. An MRI scan was done April 27, 1999. Dx became more accurate." In a June 16, 1999 clinic note, Dr. Rollins noted findings on examination of the back. He symptomatically diagnosed significant degenerative disc disease at the L3-4 and L4-5 levels and recommended surgery. He reiterated these findings in a July 14, 1999 clinic note, adding: "This lady probably had some degree of degenerative changes at L4-5 and L3-4 that predated her injury. However, it is most likely that her injury significantly aggravated this preexisting condition. Without this injury, she most likely would not be facing surgery at this time."

In an October 8, 1999 decision, the Office denied modification of the prior decision. The Office again held that appellant had not established fact of injury, and none of the additional evidence submitted established that her back condition was caused by her employment factors.

The Board finds that appellant did not meet her burden of proof to establish that she sustained an injury in the performance of duty on April 1, 1999.

² The record indicates that appellant was planning to undergo an L4-5 fusion in July 1999, but there is no evidence in the record that appellant actually underwent the surgery.

³ This was written on a copy of the May 18, 1999 letter in which the Office requested that appellant submit additional information.

An employee seeking benefits under the Federal Employees' Compensation Act⁴ has the burden of establishing the essential elements of his or her claim⁵ including the fact that the individual is an "employee of the United States" within the meaning of the Act,⁶ that the claim was timely filed within the applicable time limitation period of the Act,⁷ 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.⁸ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁹

Causal relationship is a medical issue¹⁰ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence that 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.¹¹ Moreover, the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹²

In this case, appellant has not established that she sustained an injury as a result of an employment incident or factors. While appellant submitted a July 14, 1999 report¹³ in which Dr. Rollins advised that "her injury significantly aggravated" her preexisting injury, Dr. Rollins did not provide a rationalized medical opinion explaining with specificity how appellant's back condition was caused or aggravated by employment factors. The other medical evidence of record failed to address whether appellant's alleged back injury was causally related to the

⁴ 5 U.S.C. §§ 8101-8193.

⁵ See *Daniel R. Hickman*, 34 ECAB 1220 (1983); see also 20 C.F.R. § 10.115.

⁶ See *James A. Lynch*, 32 ECAB 2116 (1980); see also 5 U.S.C. § 8101(1).

⁷ 5 U.S.C. § 8122.

⁸ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁹ *Delores C. Ellyett*, 41 ECAB 922 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

¹⁰ *Mary J. Briggs*, 37 ECAB 578 (1986).

¹¹ *Victor J. Woodhams*, *supra* note 9; *Charles E. Burke*, 47 ECAB 185 (1995); *Thomas L. Hogan*, 47 ECAB 323 (1996); *Kurt R. Ellis*, 47 ECAB 505 (1996); *Alberta S. Williamson*, 47 ECAB 569 (1996); *Joe L. Wilkerson*, 47 ECAB 604 (1996).

¹² *Minnie L. Bryson*, 44 ECAB 713 (1995); *Froilan Negron Marrero*, 33 ECAB 796 (1982).

¹³ The other medical evidence submitted was devoid of an opinion regarding the cause of appellant's back condition.

April 1, 1999 employment incident. The medical evidence is insufficient to establish that appellant sustained an injury in the performance of duty on April 1, 1999.

The decisions of the Office of Workers' Compensation Programs dated October 8 and June 24, 1999 are hereby affirmed.

Dated, Washington, DC
February 2, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

Valerie D. Evans-Harrell
Alternate Member