

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of WANDA C. BOSWELL and U.S. POSTAL SERVICE,  
POST OFFICE, Atlanta, GA

*Docket No. 99-1358; Submitted on the Record;  
Issued February 7, 2001*

---

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant has established a condition or disability as of July 15, 1997 causally related to a March 17, 1992 employment injury.

Appellant, then a 40-year-old flat sorter operator, filed a claim alleging that, on March 17, 1992, she sustained a low back injury while loading mail. The Office of Workers' Compensation Programs accepted the claim for a low back strain and appellant returned to a light-duty position.

In a decision dated November 3, 1997, the Office determined that appellant was not entitled to compensation during the period July 15 through 19, 1997. By decision dated June 19, 1998, the Office denied modification of the prior decision.

The Board finds that appellant has not established a condition or disability as of July 15, 1997 causally related to the March 17, 1992 employment injury.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his or her claim, including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>2</sup>

As noted above, the accepted injury in this case was a low back strain. On July 18, 1997 appellant submitted a claim for continuing compensation on account of disability (Form CA-8) for the period July 15 to 18, 1997.<sup>3</sup> Accompanying the claim form was a form report (Form

---

<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> Appellant also submitted a CA-8 for the period July 19 to 20, 1997.

CA-20a) dated July 16, 1997 from Dr. R.V. Nair, an orthopedic surgeon, diagnosing herniated lumbar disc and carpal tunnel syndrome. Dr. Nair checked a box “yes” that the conditions were due to a March 17, 1992 employment injury.

In order to meet her burden of proof, appellant must submit probative medical evidence establishing the diagnosed conditions as causally related to the March 17, 1992 injury. The checking of a box “yes” in a form report, without additional explanation or rationale, is not sufficient to establish causal relationship.<sup>4</sup> With respect to a herniated disc or discs, the record does not contain a reasoned medical opinion, based on a complete and accurate background, on causal relationship with the March 17, 1992 injury. In a report dated July 30, 1992, Dr. Lawrence Reckles, an orthopedic surgeon and employing establishment referral physician, notes that a magnetic resonance imaging (MRI) showed posterolateral protrusion of the L4-5 disc. Dr. Reckles did not specifically discuss causal relationship with the employment injury, but even if a July 1992 diagnosis were established as employment related, appellant must submit probative evidence establishing a continuing employment-related condition and disability as of July 15, 1997. The record does not contain sufficient evidence on this issue to meet appellant’s burden of proof.<sup>5</sup>

With respect to the diagnosis of carpal tunnel syndrome, the record indicates that appellant filed an occupational disease claim in August 1992, stating that she first became aware of the condition on May 4, 1992. In a report dated April 14, 1998, Dr. Nair stated that symptoms of carpal tunnel syndrome developed as a result of the May 4, 1992 injury. The occupational claim is not before the Board, and there is no probative evidence on causal relationship between carpal tunnel syndrome and the March 17, 1992 injury.

The Board accordingly finds that appellant has not submitted sufficient medical evidence to establish her claim for compensation commencing July 15, 1997.

---

<sup>4</sup> See *Barbara J. Williams*, 40 ECAB 649, 656 (1989).

<sup>5</sup> The Board’s jurisdiction is limited to evidence that was before the Office at the time of the June 19, 1998 decision. 20 C.F.R. § 501.2(c). Any evidence submitted after this date cannot be reviewed on this appeal.

The decision of the Office of Workers' Compensation Programs dated June 19, 1998 is affirmed.

Dated, Washington, DC  
February 7, 2001

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Member

Bradley T. Knott  
Alternate Member