

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of GARY SEEGERs and DEPARTMENT OF VETERANS AFFAIRS,  
VETERANS ADMINISTRATION HOSPITAL, Cincinnati, OH

*Docket No. 00-1129; Submitted on the Record;  
Issued June 11, 2001*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
MICHAEL E. GROOM

The issue is whether appellant has established that he had any employment-related disability after December 7, 1996.

This is appellant's second appeal before the Board. In a March 12, 1999 decision, the Board affirmed the Office of Workers' Compensation Programs' December 6, 1996 decision finding that the Office met its burden of proof to terminate appellant's compensation benefits. The facts and circumstances of the case are set forth in the prior decision and are hereby incorporated by reference.<sup>1</sup>

In a January 18, 2000 letter, appellant, through his counsel, requested reconsideration before the Office and submitted medical evidence in support of his request. Appellant submitted medical treatment notes covering the period January 26 through September 30, 1999 from employing establishment physicians regarding pain in his left shoulder and arm, left hip and thigh, neck and lower back. These treatment notes also noted a history of appellant's 1977 employment-related left shoulder injury and medical treatment and that appellant was disabled since 1986. Appellant also submitted laboratory reports dated December 6, 1989, and January 26, March 22 and October 21, 1999 regarding his back, neck and shoulder conditions. In addition, appellant submitted treatment notes from his physical therapists covering the period May 21 through October 20, 1999 and the notes of a licensed practical nurse dated July 28, 1999.

By decision dated February 1, 2000, the Office denied modification of its prior decision. The Office found that none of the medical evidence submitted by appellant supported employment-related residuals and causal relationship. The Office also found that the evidence did not overcome the previously established weight of the medical opinion evidence.

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<sup>1</sup> Docket No. 97-1190 (issued March 12, 1999).

The Board finds that appellant has failed to establish that he had an employment-related disability after December 7, 1996.

In the prior appeal, the Board found in its 1999 decision that the Office met its burden of proof to terminate appellant's compensation. As the Office met its burden of proof to terminate appellant's compensation benefits, the burden shifted to him to establish that he had disability causally related to his accepted injury.<sup>2</sup> To establish a causal relationship between the condition, as well as any attendant disability claimed, and the employment injury, an employee must submit rationalized medical evidence, based on a complete factual and medical background, supporting such a causal relationship.<sup>3</sup> Causal relationship is a medical issue,<sup>4</sup> and the medical evidence required to establish a causal relationship 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.<sup>5</sup> Medical evidence of bridging symptoms between the current condition and the accepted injury must support a physician's conclusion of a causal relationship.<sup>6</sup>

The medical evidence submitted by appellant fails to provide a rationalized medical opinion establishing that his current conditions or disability are causally related to his November 10, 1977 employment injury. Although the medical treatment notes from employing establishment physicians indicated the history of appellant's employment injury, they failed to address whether appellant's current conditions were caused by his accepted injury. Further, the laboratory reports failed to provide a history of appellant's November 10, 1977 employment injury and to address whether appellant's conditions or any disability was caused by his employment injury. Finally, the treatment notes of appellant's physical therapists are of no probative medical value inasmuch as a physical therapist is not a physician under the Federal Employees' Compensation Act and therefore is not competent to give a medical opinion.<sup>7</sup>

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<sup>2</sup> See *George Servetas*, 43 ECAB 424 (1992).

<sup>3</sup> See 20 C.F.R. § 10.110(a); *Kathryn Haggerty*, 45 ECAB 383 (1994).

<sup>4</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

<sup>5</sup> *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>6</sup> See *Leslie S. Pope*, 37 ECAB 798 (1986).

<sup>7</sup> 5 U.S.C. § 8101(2); see also *Jerre R. Rinehart*, 45 ECAB 518 (1994); *Barbara J. Williams*, 40 ECAB 649 (1989); *Jane A. White*, 34 ECAB 515 (1983).

The February 1, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
June 11, 2001

David S. Gerson  
Member

Willie T.C. Thomas  
Member

Michael E. Groom  
Alternate Member