

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN L. PARKER and DEPARTMENT OF THE ARMY,
Fort Leavenworth, KS

*Docket No. 01-872; Submitted on the Record;
Issued November 7, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a back condition causally related to the September 26, 2000 employment injury.

On September 26, 2000 appellant, then a 50-year-old maintenance mechanic, filed a claim alleging that he injured his lower back on the left side when he lifted a section of a cast iron tub. He stopped working on September 27, 2000.

In two reports dated September 26 and September 27, 2000, respectively, Drs. Marie E. Clay and Dorothy Emery, both chiropractors, indicated that an x-ray showed subluxation at L4. In a report dated September 28, 2000, Dr. Clay found that appellant had spinal misalignment resulting in nerve root compression and muscle spasms with positive straight leg raising on the left and decreased lumbar range of motion with pain. She diagnosed sprain and strain, subluxation and muscle spasms. Dr. Clay checked the "yes" box that appellant's back condition was work related. She stated that appellant was disabled from September 26, 2000 and continuing.

A magnetic resonance imaging (MRI) scan dated October 3, 2000 showed degenerative disc disease throughout the lumbar spine.

On October 20, 2000 Dr. Emery opined that appellant could return to work with lifting restrictions.

In a report dated October 30, 2000, Dr. Robert M. Beatty, a Board-certified neurological surgeon, considered appellant's history of injury, performed a physical examination and reviewed the MRI scan which he believed showed areas of spondylosis. He stated that appellant had trouble with nerve encroachment.

By letter dated November 21, 2000, the Office of Workers' Compensation Programs informed appellant that additional evidence was necessary to establish his claim including a

report from his physician explaining how the reported work incident caused or aggravated the claimed injury.

A myelogram dated November 20, 2000 was negative.

On November 27, 2000 Dr. Beatty released appellant to return to work subject to lifting, pulling and repetitive bending restrictions.

By decision dated January 19, 2001, the Office denied the claim, stating that the medical evidence was not sufficient to establish that his condition was caused by the event at work.

The Board finds that appellant did not establish that he sustained a back condition causally related to the September 26, 2000 employment injury.

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.¹

In this case, appellant did not present any evidence establishing his September 26, 2000 back injury arose from his employment. Drs. Clay and Emery are physicians within the meaning of the Federal Employees' Compensation Act because their September 26, 2000 reports shows a subluxation at L4 demonstrated by x-ray.² Dr. Clay's September 28, 2000 report, however, is not probative because she did not provide any rationalized medical opinion explaining how appellant's back condition is causally related to the September 26, 2000 employment injury. Dr. Clay's checking the "yes" box to indicate that appellant's condition was work related is insufficient to establish the requisite causation.³

Dr. Beatty's October 30, 2000 report in which he stated that appellant had trouble with nerve encroachment is not probative because Dr. Beatty did not address causation. The November 20, 2000 myelogram, the October 3, 2000 MRI scan and the disability notes in the record are not relevant because they also do not address causation. Although the Office advised appellant of the evidence necessary to establish his claim, he did not submit the requisite evidence. Appellant, therefore, has failed to establish his claim.

¹ *Gary L. Fowler*, 45 ECAB 365, 371 (1994); *Ern Reynolds*, 45 ECAB 690, 695 (1994).

² *See Kathryn Haggerty*, 45 ECAB 383, 389 (1994).

³ *Ruth S. Johnson*, 46 ECAB 237, 242 (1994).

The January 19, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
November 7, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member