

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GERTRUDE LAUDERDALE and U.S. POSTAL SERVICE,
POST OFFICE, Springfield, MA

*Docket No.01-2222; Submitted on the Record;
Issued April 11, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant established that she sustained an injury in the performance of duty on June 19, 2000 causally related to factors of her federal employment.

On July 5, 2000 appellant, then a 55-year-old postal worker, filed a notice of traumatic injury alleging that on June 19, 2000 she injured her back and felt pain in her right leg as she was getting down from a forklift. Appellant submitted an August 4, 2000 note from Dr. Marc A. Linson, a Board-certified orthopedic surgeon, diagnosing a ruptured lumbar disc and indicating that she was totally disabled from June 19 until August 4, 2000 and for the following two months. Regarding causal relationship he stated: "I do n[o]t have enough information concerning the June 19, 2000 injury to comment at this point." Appellant also submitted medical records dated well before the June 19, 2000 incident and indicated in a personal statement that she has a prior condition of bone spurs.

By decision dated August 18, 2000, the Office of Workers' Compensation Programs denied appellant's claim, finding that the evidence was not sufficient to establish fact of injury.

Appellant submitted a September 20, 2000 note from Dr. Linson in which he diagnosed sciatica and responded to a form question stating that the diagnosis and disability were causally related to the "illness of spine with exacerbation at work June 19, 2001."

By letter dated August 28, 2000, appellant requested an oral hearing. At the hearing on January 23, 2001 appellant submitted a June 21, 2000 MRI which revealed spinal stenosis and multilevel degenerative changes. She also submitted reports from Dr. Linson dated June 23 and 24, 2000, indicating that she underwent surgery on June 24, 2000. Other medical evidence indicated that appellant has a prior history of degeneration and stenosis at L4-5. She submitted a second note from Dr. Linson dated February 8, 2001, in which he checked the box which stated that the diagnosis and disability were causally related to the June 19, 2000 injury at work.

Dr. Linson also stated: “Work injury June 19, 2000 exacerbated and worsened prior condition, necessitating urgent surgery.”

By decision dated April 5, 2001, the hearing representative affirmed the Office’s August 18, 2000 decision. By letter dated May 6, 2001, appellant requested reconsideration. In a merit decision dated August 9, 2001, the Office denied modification of the April 5, 2001 decision.

The Board finds that appellant has not established that her back condition is causally related to factors of her federal employment.

An employee seeking benefits under the Federal Employees’ Compensation Act¹ has the burden of establishing the essential elements of his or her claim including the fact that the individual is an “employee of the United States” within the meaning of the Act, that the claim was timely filed within the applicable limitation period of the Act, 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.² These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

To determine whether an employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a “fact of injury” has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁴ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁵ An employee may establish that an injury occurred in the performance of duty as alleged, but fail to establish that his or her disability and/or a specific condition for which compensation is claimed are causally related to the injury.⁶

The Board finds that appellant sustained an employment incident on June 19, 2000 as alleged, but finds that the medical evidence of record is insufficient to establish a causal relationship between her diagnosed condition and factors of her employment.

Causal relationship is a medical issue and 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

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Delores C. Ellyett*, 41 ECAB 992, 994 (1990).

⁴ *John J. Carlone*, 41 ECAB 354 (1989).

⁵ *Id.*

⁶ *Frazier V. Nichol*, 41 ECAB 992, 994 (1990).

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.⁷

In this case, appellant did not submit a rationalized medical opinion explaining that her diagnosed condition was causally related to the June 19, 2000 incident at work. Many reports of record diagnose appellant with spinal stenosis and disc herniation of the lumbar spine, but do not provide an opinion as to the cause of her condition. Much of the medical evidence of record is also dated before appellant's June 19, 2000 incident, indicating that she had a history of spinal stenosis and degenerative changes before the June 19, 2000 incident. Appellant has the burden of proof to show that the June 19, 2000 incident caused or aggravated her preexisting medical condition. Only two reports of the record address causal relationship, but contain no medical rationale. Dr. Linson in his disability reports dated September 20, 2000 and February 8, 2001 "checked the box" on a the form, which indicated that in his opinion, the diagnosis and disability were causally related to the June 19, 2000 injury. These form statements by Dr. Linson are insufficient to establish causal relationship, as they do not contain medical rationale. The Board has found that checking a box "yes" to a form question has little probative value and is insufficient to establish a claim.⁸ Dr. Linson also stated on the February 8, 2001 form that the work incident on June 19, 2000 exacerbated and worsened a prior condition. This statement is conclusory and also of little probative value since it does not contain medical rationale. Dr. Linson, in his reports, does not medically explain how or why appellant's preexisting degenerative changes were exacerbated by the June 19, 2000 incident. There is no other medical evidence of record, which contains a physician's opinion on causal relationship. As appellant has not submitted a rationalized medical report establishing causal relationship between her diagnosed spinal stenosis and degenerative changes and the June 19, 2000 injury, she has not met her burden of proof to establish an injury.

⁷ *Supra*, note 3.

⁸ *Lee R. Haywood*, 48 ECAB 145 (1996).

The August 9 and April 5, 2001 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC
April 11, 2002

Alec J. Koromilas
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member