

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MILDRED V. NELSON and DEPARTMENT OF DEFENSE, DEFENSE
COMMISSARY AGENCY, OCEANA NAVAL AIR STATION, Virginia Beach, VA

*Docket No. 02-1791; Submitted on the Record;
Issued December 31, 2002*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant established that she sustained an injury in the performance of duty on August 28, 2000.

On August 29, 2000 appellant, a 37-year-old sales store checker, filed a notice of traumatic injury and claim for compensation (Form CA-1) alleging that she injured her back as a result of a fall at work on August 28, 2000. She explained that the picnic bench she attempted to sit on was weak and gave way, which caused her to fall backwards striking her back on the ground. Appellant ceased working the day of her alleged injury and returned to work August 31, 2000. She later filed a claim for compensation (Form CA-7) for intermittent wage loss during the period October 22, 2000 through June 30, 2001.

The employing establishment controverted appellant's claim for compensation and noted that appellant submitted at least four claims for traumatic injuries to her shoulder and back beginning on April 1, 1999.

By letter dated March 18, 2002, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical evidence. The Office advised appellant that if the information was not received within 30 days, her claim might be denied.

By decision dated May 24, 2002, the Office denied appellant's claim. The Office noted that appellant had numerous prior back injuries and the medical evidence failed to relate her current symptoms to the incident of August 28, 2000.

The Board finds that appellant failed to establish that she sustained an injury in the performance of duty on August 28, 2000.

A claimant seeking compensation under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of her claim by the weight of the reliable, probative and substantial evidence, including that any specific condition or disability for work

¹ 5 U.S.C. §§ 8101-8193.

for which she claims compensation is causally related to the employment injury.² Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.³

The record indicates that appellant has suffered from chronic low back pain dating back to May 1993. She was involved in a motor vehicle accident in July 1994, which reportedly exacerbated her low back pain. Appellant also purportedly sustained two employment-related back injuries in December 1999. She was also involved in a second motor vehicle accident in December 1999. A magnetic resonance imaging scan obtained shortly after appellant's August 28, 2000 employment incident revealed an L4-5 disc protrusion with mild spinal canal stenosis. Appellant was also involved in a third motor vehicle accident on April 2, 2001, which resulted in neck spasm and continued complaints of low back pain.

The record in the instant case does not include a rationalized medical opinion establishing a causal relationship between appellant's claimed low back condition and the August 28, 2000 work incident. Although Dr. Florisa S. Singson provided a detailed chronology of appellant's several back injuries dating back to May 1993 and including her August 28, 2000 fall at work, Dr. Singson did not offer an opinion on causal relationship. Thus, it is unclear from the record whether the August 28, 2000 employment incident either caused or contributed to appellant's claimed low back condition.

The May 24, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
December 31, 2002

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

² *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

³ *See Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and claimant's specific employment factors. *Id.*