

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of NELL D. POWELL and DEPARTMENT OF THE TREASURY,  
INTERNAL REVENUE SERVICE, Cincinnati, OH

*Docket No. 02-2165; Submitted on the Record;  
Issued December 12, 2002*

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DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,  
WILLIE T.C. THOMAS

The issue is whether appellant established that her degenerative cervical disc condition is an occupational disease causally related to factors of her federal employment.

The Board has given careful consideration to the issue involved in the case, the contentions of the parties on appeal and the entire case record. The Board finds that decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized on July 1, 2002, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.<sup>1</sup>

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<sup>1</sup> The Board notes that appellant's CA-2 claim form indicates that she is alleging that her back condition is due to the original work-related injury of July 30, 1991, for which she would have to file a separate claim for a recurrence of disability. In order to establish an occupational disease claim, appellant was required to submit a rationalized medical opinion stating that her degenerative back condition was causally related to identified work factors. *See Solomon Polen*, 51 ECAB 341 (2000). The Office hearing representative correctly determined that Dr. Smith's July 19, 2001 report is not sufficiently reasoned to support the claim for an occupational disease as he does not discuss nor identify any work factors and he attributes appellant's degenerative back condition to the original July 30, 1991 work injury.

Accordingly, the July 1, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
December 12, 2002

Alec J. Koromilas  
Member

Colleen Duffy Kiko  
Member

Willie T.C. Thomas  
Alternate Member