

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LAWRENCE LEONARDI and DEPARTMENT OF THE ARMY,  
TANK AUTOMOTIVE ARMAMENTS, Warren, MI

*Docket No. 01-1056; Submitted on the Record;  
Issued January 8, 2002*

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DECISION and ORDER

Before MICHAEL E. GROOM, A. PETER KANJORSKI,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an injury causally related to factors of his federal employment.

On November 17, 2000 appellant, then a 45-year-old logistics manager filed a traumatic injury claim, alleging that on that day he experienced severe pain in his lower back and right leg while standing up from his chair at work. He stopped work on November 17, 2000 and returned on November 27, 2000.

In support of his claim, appellant submitted an employing establishment accident report, which noted that he pulled his back on November 17, 2000 while getting out of a chair and suffered low back pain. The report indicated that appellant could return to regular duty on November 27, 2000.

In a letter dated December 14, 2000, the Office of Workers' Compensation Programs advised appellant that, the evidence submitted in support of his claim was insufficient and requested additional factual and medical information within 30 days.

Appellant submitted a medical report from Dr. Edward Jeffries, a Board-certified orthopedic surgeon, dated November 21, 2000, which noted that he had an onset of stabbing back pain, which initially went down his leg when he stood from his chair at work on November 17, 2000. He further indicated that appellant had not returned to work. Dr. Jeffries noted that x-rays performed that day demonstrated no changes and then diagnosed acute low back pain. Appellant also submitted a completed Form CA-16, from Dr. Jeffries dated December 1, 2000. On Part B of the report, he left the question blank, which asked whether he believed the diagnosed condition was caused or aggravated by the activity described by appellant.

Appellant further submitted a medical report from Dr. Jeffries dated December 21, 2000. He noted in the report that appellant's back condition began with a bulging disc diagnosed in 1990 that was exacerbated in 1993 and later resolved. Dr. Jeffries further stated his belief that appellant's recent low back pain was unrelated to the previous compression fracture and that physical therapy might improve his condition.

In a letter received December 18, 2000, the employing establishment controverted the claim and stated that appellant's back injury might have been caused by a previous injury while on active duty with the Army. The employing establishment indicated that appellant retired from active duty on December 20, 1976 with a physical disability related to the army back injury.

By decision dated January 16, 2001, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that his condition was caused by the claimed November 17, 2000 injury as required by the Federal Employees' Compensation Act.

The Board finds that appellant has not established that he sustained an injury causally related to his federal employment.

An employee seeking benefits under the Act<sup>1</sup> 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 time 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.<sup>2</sup> These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

In this case, appellant experienced low back and right leg pain at work on November 17, 2000, but failed to meet his burden of proof in establishing through medical evidence that his condition was caused by employment factors. Causal relationship is a medical issue, which requires a physician to explain how or why he or she believes that the accident, incident, or work factor caused or affected the physical condition and provide objective findings that support that conclusion.<sup>4</sup>

Dr. Jeffries, appellant's treating physician, saw him four days after the work incident and excused him from work until November 27, 2000 for acute back pain. However, he failed to state whether appellant's condition was caused by employment factors. His subsequent December 21, 2000 report stated only that appellant's condition was not related to a previous compression fracture. Dr. Jeffries' conclusions are insufficient to establish the requisite causal relationship because he failed to explain how the alleged work incident on November 17, 2000

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *David M. Ibarra*, 48 ECAB 218 (1996).

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

caused the diagnosed condition. He simply repeated appellant's belief that standing up from his chair caused his symptoms on that day. Thus, his conclusions are not supported with sufficient medical rationale and explanation to establish a causal relationship between the November 17, 2000 episode of back and right leg pain and appellant's work.

Notwithstanding, the Board finds that appellant is entitled to reimbursement for, or payment of, expenses incurred for medical treatment from November 21, 2000, the date the employing establishment official signed Form CA-16, which is authorization for examination and/or treatment, to January 16, 2001 when the Office denied the claim and terminated authorization of medical treatment. By Form CA-16, authorization for examination and/or treatment, signed by an employing establishment official on November 21, 2000, the employing establishment authorized Dr. Jeffries to provide medical care for a period of up to 60 days. This authorization for medical treatment created a contractual obligation to pay for the cost of necessary medical treatment regardless of the action taken on the claim.<sup>5</sup>

The decision of the Office of Workers' Compensation Programs dated January 16, 2001 is affirmed as modified.<sup>6</sup>

Dated, Washington, DC  
January 8, 2002

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

Priscilla Anne Schwab  
Alternate Member

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<sup>5</sup> See *Robert F. Hamilton*, 41 ECAB 431 (1990); *Frederick J. Williams*, 35 ECAB 805 (1984); 20 C.F.R. § 10.300.

<sup>6</sup> The Board notes that this case record contains evidence submitted subsequent to the Office's January 16, 2001 decision. The Board has no jurisdiction to review this evidence for the first time on appeal. See 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35 (1952).