

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of KISKA SIFERS and NATIONAL AERONAUTICS SPACE  
ADMINISTRATION, LEWIS RESEARCH CENTER, Cleveland, OH

*Docket No. 01-1121; Submitted on the Record;  
Issued January 10, 2002*

---

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant met her burden of proof in establishing that her back condition was causally related to her federal employment.

This case is before the Board for the second time. Previously, the Board adopted the hearing representative's October 9, 1998 decision, finding that the medical evidence of record did not establish a causal relationship between appellant's lower back condition and her January 2, 1997 fall at work.<sup>1</sup>

By letter dated November 20, 2000, appellant requested reconsideration and submitted additional medical evidence. By decision dated January 2, 2001, the Office denied appellant's request on the grounds that the evidence submitted was insufficient to warrant modification of its prior decision.

The Board finds that appellant has not established that her diagnosed back condition was causally related to her January 2, 1997 fall at work.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</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>3</sup> These are the

---

<sup>1</sup> Docket No. 99-570 (issued May 3, 2000). The facts set forth in this decision are incorporated by reference.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician’s rationalized 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.<sup>8</sup>

The Board finds that the medical evidence submitted by appellant lacks a well-rationalized medical opinion relating her lower back condition to her fall at work.

Only the August 11, 1997 report from Dr. Thomas Reinsel attempts to address the issue of causal relationship between appellant’s condition and her fall, in which he states: “I think it is likely that the injury at work exacerbated a chronic condition.” Dr. Reinsel’s report is of limited probative value, however, since his statement is vague and does not provide a rationalized medical opinion describing the relationship between appellant’s lower back condition and her fall at work. The Board has also previously found that a conclusory statement without supporting rationale is of little probative value.<sup>9</sup>

The remaining medical evidence of record offers varied medical diagnoses yet does not provide a rationalized medical opinion regarding the cause of appellant’s condition. Also, the evidence that appellant submitted in support of her request for reconsideration is not probative in

---

<sup>4</sup> *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

<sup>5</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>6</sup> *Id.* For a definition of the term “injury,” see 20 C.F.R. § 10.5(a)(14).

<sup>7</sup> As used in the Act, the term “disability” means incapacity because of an injury in employment to earn wages the employee was receiving at the time of the injury, *i.e.*, a physical impairment resulting in loss of wage-earning capacity. *Frazier V. Nichol*, 37 ECAB 528 (1986).

<sup>8</sup> *Delores C. Ellyett*, *supra* note 4; *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

<sup>9</sup> *Marilyn D. Polk*, 44 ECAB 673 (1993).

that it does not contain objective findings or medical reasoning to show that her back condition is related to her January 2, 1997 fall at work.

Since the medical evidence submitted does not establish a causal relationship between appellant's January 2, 1997 fall at work and her diagnosed lower back condition, appellant has not met her burden of proof in establishing her claim.

The January 2, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
January 10, 2002

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

Priscilla Anne Schwab  
Alternate Member