

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of YULONDA R. HART and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION CENTER, Temple, TX

*Docket No. 01-1390; Submitted on the Record;
Issued January 25, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant established that she sustained back and neck injuries causally related to factors of her federal employment.

The Board has duly reviewed the case record in the present appeal and finds that appellant has not established that she sustained an employment-related injury.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim² including the fact that the individual is an "employee of the United States" within the meaning of the Act,³ that the claim was timely filed within the applicable time limitation period of the Act,⁴ 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.⁵ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶ However, an employee's statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong and persuasive evidence.⁷

¹ 5 U.S.C. §§ 8101-8193.

² See *Daniel R. Hickman*, 34 ECAB 1220 (1983).

³ See *James A. Lynch*, 32 ECAB 216 (1980); see also 5 U.S.C. § 8101(1).

⁴ 5 U.S.C. § 8122.

⁵ See *Melinda C. Epperly*, 45 ECAB 196 (1993).

⁶ See *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ See *Robert A. Gregory*, 40 ECAB 478 (1989).

Causal relationship is a medical issue⁸ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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.⁹ Moreover, neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹⁰

The facts in this case indicate that on June 27, 2000 appellant, then a 45-year-old nursing assistant, filed a traumatic injury claim alleging that on June 11, 2000 she sustained employment-related back and neck strains. By letter dated July 14, 2000, the Office of Workers' Compensation Programs informed appellant of the type evidence needed to establish her claim and, in an August 14, 2000 decision, found that appellant did not establish that her medical condition was causally related to factors of employment.

In support of her claim, appellant submitted¹¹ an attending physician's report dated July 17, 2000 in which Dr. Michael Riggs, an internist, diagnosed back and neck strain and checked the "yes" box, indicating that the conditions were employment related. He recommended that she perform light duty only, with no heavy lifting or straining. In an accompanying work restriction evaluation, Dr. Riggs advised that appellant could sit for 20 to 30 minutes, walk for 8 hours and stand for 2 hours. He provided a 10-to-20 pound lifting restriction. In unsigned treatment notes dated December 14 and 19, 2000, Dr. Bryan Drazner, an internist, recorded a history of midback pain and advised that appellant's recovery had reached a plateau.

The Board finds that appellant did not establish that she sustained an employment-related injury as the record contains no rationalized medical evidence that relates her back and neck condition to employment factors. While Dr. Riggs checked a "yes" box on an Office form report indicating that appellant's condition was employment related, the Board has held that such an opinion, on causal relationship, without further explanation, has little probative value and is insufficient to establish causal relationship.¹² Dr. Drazner did not provide an opinion regarding

⁸ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁹ *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, *supra* note 6.

¹⁰ *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (182).

¹¹ Appellant also submitted unsigned treatment notes from Dr. Shawn Fyke, a chiropractor. The Board notes, however, that section 8101(2) of the Act provides that the term "physician" includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist. *Sheila A. Johnson*, 46 ECAB 323 (1994). The facts in this case do not demonstrate such a diagnosis.

¹² *Ruth S. Johnson*, 46 ECAB 237 (1994).

the cause of appellant's condition. As appellant did not provide the necessary medical evidence to establish that employment factors caused her back and neck condition, the Office properly denied her claim.

The decision of the Office of Workers' Compensation Programs dated August 14, 2000 is hereby affirmed.

Dated, Washington, DC
January 25, 2002

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member