

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHNNY JEFFERSON, JR. and U.S. POSTAL SERVICE,
DISTRIBUTION CENTER, Omaha, NE

*Docket No. 02-372; Submitted on the Record;
Issued July 3, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that he sustained a back injury in the performance of duty causally related to factors of his employment.

The Board finds that appellant failed to meet his burden of proof to establish that he sustained a back injury in the performance of duty causally related to factors of his employment.

An award of compensation may not be based on surmise, conjecture, speculation, or appellant's belief of causal relationship.¹ Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that he sustained an injury in the performance of duty and that his disability was caused or aggravated by his employment.² As part of this burden, a claimant must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relationship.³ The mere manifestation of a condition during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁴ Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the employment caused or aggravated his condition is sufficient to establish causal relationship.⁵

On July 16, 2001 appellant, then a 37-year-old mailhandler, filed an occupational disease claim alleging that in March 1997 he injured his back due to unloading mail trucks and

¹ See *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

² See *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

³ See *Mary J. Briggs*, 37 ECAB 578, 581 (1986); *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

⁴ See *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

⁵ *Id.*

processing mail. He indicated that he first became aware of a possible relationship between herniated discs and pinched nerves in his back and his employment on June 1, 2001.

By letter dated August 29, 2001, the Office of Workers' Compensation Programs advised appellant that, in order to establish his claim, he needed to submit additional evidence to include a description of his job duties that he believed contributed to his back condition and rationalized medical evidence establishing that his back condition was causally related to his employment duties.

By decision dated October 16, 2001, the Office denied appellant's claim on the grounds that he had failed to establish that he sustained a medical condition in the performance of duty causally related to factors of his employment.⁶

In support of his claim, appellant submitted copies of his March 15, 1993 application for employment, his preemployment medical examination, a description of his job and a notice of personnel action dated February 18, 1998. However, appellant failed to provide rationalized medical evidence establishing that he had a back condition caused or aggravated by his employment factors. Therefore, he failed to meet his burden of proof and the Office properly denied his claim.

The decision of the Office of Workers' Compensation Programs dated October 16, 2001 is affirmed.

Dated, Washington, DC
July 3, 2002

Alec J. Koromilas
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

⁶ This record contains additional evidence that was not before the Office at the time it issued its October 16, 2001 decision. Therefore the Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *Robert D. Clark*, 48 ECAB 422, 428 (1997).