

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES MINER and DEPARTMENT OF THE NAVY,
MARINE CORPS RECRUIT DEPOT, Parris Island, SC

*Docket No. 01-1783; Submitted on the Record;
Issued March 19, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury on April 8, 1998 causally related to factors of his federal employment.

The Board has duly reviewed the case record and finds that appellant has failed to establish that he sustained an injury on April 8, 1998 causally related to factors of his federal employment.

On April 8, 1998 appellant, then a 43-year-old roads and grounds laborer, filed a traumatic injury claim alleging that on that date he experienced severe pain in his lower back, and a shooting pain down his left leg and in his neck when he hit a grass covered deep hole while mowing the grass. Appellant stopped work on April 8, 1998 and he returned to work on April 13, 1998.

By letter dated April 11, 2000, the Office of Workers' Compensation Programs advised appellant to submit additional evidence supportive of his claim. In response, appellant submitted factual and medical evidence.

By decision dated May 21, 2001, the Office found the evidence of record insufficient to establish that appellant sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim, including the fact 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.²

¹ 5 U.S.C. §§ 8101-8193.

² *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.³

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.⁴ The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁵

In this case, appellant alleged that he experienced pain in his back, left leg and neck when he hit a grass covered hole while mowing the grass on April 8, 1998. The Office found that appellant did not submit sufficient medical evidence to establish that he sustained a traumatic injury due to this employment factor.

Appellant submitted medical evidence in support of his claim, but the only medical evidence of record that addresses the critical issue in this case, whether appellant sustained an injury caused by the April 8, 1998 employment incident is the June 30, 1999 report and September 7, 2000 deposition testimony of Dr. Eugene A. Eline, Jr., a Board-certified orthopedic surgeon, and appellant's treating physician.

In his June 30, 1999 report, Dr. Eline provided a history of the April 8, 1998 employment incident and a diagnosis of severe left-sided L5-S1 disc herniation with left lower extremity involvement based on x-ray examination and magnetic resonance imaging. Dr. Eline opined that with a reasonable degree of medical certainty, appellant's work injuries caused his disc herniation.

On September 7, 2000 Dr. Eline deposed that appellant's ruptured disc at L5-S1, the radiculopathy pain in his legs, and subsequent surgery performed on July 12, 1999 were caused by the April 8 and August 24, 1998 employment incidents.⁶ Dr. Eline further deposed that if appellant had any injuries 10 years prior to the surgery he performed, which would have occurred in 1988 or 1989, they indicated preexisting low back problems that were deemed to be arthritic in nature, but he did not have any information that these injuries prevented appellant from performing his work duties. Dr. Eline then deposed that, subsequent to appellant's April

³ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁴ *See Victor J. Woodhams*, *supra* note 2 at 351-52; *William E. Enright*, 31 ECAB 426, 430 (1980).

⁵ *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁶ The record reveals that appellant filed traumatic injury claims for injuries sustained on April 11 and September 18, 1997, and August 24, 1998.

and September 1997, and April and August 1998 injuries, appellant developed incapacitating neck and leg pain that led to surgery. Dr. Eline, however, failed to provide any medical rationale explaining the causal relationship between appellant's disc herniation and subsequent surgery, and the April 8, 1998 employment incident in either his June 30, 1999 report or September 7, 2000 deposition testimony.

Inasmuch as appellant has failed to submit any rationalized medical evidence establishing that he sustained an injury causally related to the April 8, 1998 employment incident, the Board finds that appellant has failed to satisfy his burden of proof in this case.

The May 21, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
March 19, 2002

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member