

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES D. WALKER and U.S. POSTAL SERVICE,
POST OFFICE, Memphis, TN

*Docket No. 02-1518; Submitted on the Record;
Issued November 12, 2002*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that his back and neck conditions are causally related to the July 22, 1999 employment injury.

On July 22, 1999 appellant, then a 58-year-old mailhandler, sustained an employment-related left knee strain when he slipped while pushing a mail container. He did not stop work and submitted claims for medical treatment that included chiropractic treatment for lumbar and cervical conditions. By letter dated January 27, 2000, the Office of Workers' Compensation Programs informed appellant that medical bills for his back and neck conditions were not payable because these conditions had not been accepted as employment related. The Office advised him to submit a detailed medical report regarding how these conditions were causally related to the July 22, 1999 employment injury. In response, appellant submitted a number of reports from Drs. Ralph and Clarence Ungerank, chiropractic physicians. By decision dated April 10, 2001, the Office denied appellant's claim that his back and neck conditions had been caused or aggravated by the July 22, 1999 employment injury. The instant appeal follows.

The Board finds that appellant did not establish that his back and/or neck condition were causally related to the July 22, 1999 employment 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

¹ 5 U.S.C. §§ 8101-8193.

² See *Daniel R. Hickman*, 34 ECAB 1220 (1983); see also 20 C.F.R. § 10.110.

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

⁴ 5 U.S.C. § 8122.

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

Causal relationship is a medical issue,⁷ 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.⁸ 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.⁹

Section 8101(2) of the Act¹⁰ 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.¹¹

The medical evidence relevant to appellant's back and neck conditions includes¹² a form report dated April 21, 2000, in which Dr. Ralph Ungerank stated that appellant's condition began on July 22, 1999 that periodic treatments began on November 3, 1999 and that he would require periodic examination and treatment consisting of manual manipulation of the spine "to correct a subluxation as demonstrated to exist." A report dated October 5, 2000, that was signed by both Drs. Ralph and Clarence Ungerank, advised that appellant had received treatment from April 21 to 25, 2000 for the July 22, 1999 employment injury. The report further indicated that appellant reported a history that he suffered injuries to the low back, neck and left side of his leg when he slipped while shoving mail. Examination of the cervical, lumbar and sacral areas revealed deep and superficial lumbar spasm, loss of range of motion and edema with diagnoses of lumbar or lumbosacral intervertebral disc and cervical spondylosis with myelopathy. X-ray examination "exhibited abnormal deviations which also assisted in arriving at the diagnostic impression..."

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

⁸ *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, *supra* note 6.

⁹ *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (1982).

¹⁰ 5 U.S.C. §§ 8101-8193.

¹¹ *Sheila A. Johnson*, 46 ECAB 323 (1994).

¹² The record also contains a report dated May 10, 2000, regarding chiropractic care for appellant's mother.

Prognosis was reported as guarded due to the degenerative state of the cervical and lumbar soft tissue. In a duty status report dated January 10, 2001, Dr. Clarence Ungerank diagnosed left sacroiliac sprain with pain in the left leg and cervical spondylosis due to the July 22, 1999 employment injury. He advised that appellant could work with restrictions to his physical activity.

The record also contains a treatment note dated August 11, 1999, in which Dr. James L. Schrantz, a Board-certified orthopedic surgeon, noted that the history of injury on July 22, 1999 and appellant's complaints of knee swelling, "feeling pain upon the outside of the knee, feels like there is a catch in the shoulder and hip." Dr. Schrantz advised that on examination appellant was "diffusely tender without localizing signs" and found no evidence of internal derangement of the knee. He concluded that "this is just simply a strain and will recover completely."

Initially, the Board notes that, in his report dated August 11, 1999, the medical report most contemporaneous with the July 22, 1999 employment injury, Dr. Schrantz did not record any complaints regarding appellant's neck and/or back, nor did he report any physical findings in that regard upon examination. Moreover, appellant did not seek chiropractic care until November 3, 1999, over three months after the employment injury. Lastly, the Drs. Ungerank merely provided conclusory statements that appellant's back and neck conditions were causally related to the July 22, 1999 employment injury. The Board, therefore, finds that appellant did not establish that he sustained an employment-related neck or back condition as the record does not contain rationalized medical evidence that relates these conditions to the July 22, 1999 employment injury or any employment factors.

The April 10, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
November 12, 2002

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member