

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LARRY W. HALL and DEPARTMENT OF THE AIR FORCE,
OKLAHOMA CITY AIR LOGISTICS CENTER,
TINKER AIR FORCE BASE, OK

*Docket No. 03-1219; Submitted on the Record;
Issued August 28, 2003*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant established that he sustained an injury in the performance of duty on December 2, 2002.

On December 6, 2002 appellant, then a 41-year-old painter, filed a claim for traumatic injury alleging that, on December 2, 2002, he sustained a hernia while pushing a rudder across the floor. Appellant submitted a December 3, 2003 report from Dr. Karl K. Boatman, a Board-certified orthopedic surgeon, who diagnosed recurrent hernia. The history reported was that on Monday, December 2, 2002, appellant felt pain in his left groin and a scrotal mass. Dr. Boatman responded "yes" to the question of whether the condition was caused or aggravated by employment, but he did not otherwise explain the basis for his opinion.

By letter dated December 16, 2002, the Office of Workers' Compensation Programs informed appellant of the necessity of submitting rationalized medical evidence to substantiate that he sustained a traumatic injury while in the performance of duty.

Appellant underwent outpatient surgery to repair his hernia on December 9, 2002. Dr. Boatman, who performed the surgery, stated that he examined appellant on December 3, 2002 for complaints of a recurrent left scrotal hernia "present approximately one week." Dr. Boatman further noted that this hernia was previously repaired in June 1999. He also noted that appellant had a bilateral inguinal hernia repair at age six months.

In a report dated December 10, 2002, Dr. Boatman noted that he had surgically repaired appellant's left inguinal hernia on December 9, 2002, and further noted by checking a box "yes" that the injury was causally related to his employment. He anticipated that appellant would be able to perform light work on January 21, 2003 and resume his regular duties on February 3, 2003.

By decision dated January 23, 2003, the Office denied appellant's claim on the grounds that the medical evidence submitted was insufficient to establish fact of injury. The Office explained that, while the evidence of record supported that the claimed event occurred, there was no medical evidence that provided a diagnosis that could be connected to the event.

The Board finds that appellant has not established that he sustained an injury in the performance of duty December 2, 2002.

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of his claim.¹ When an employee claims that he sustained an injury in the performance of duty, he must submit evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.²

Causal relationship is a medical issue³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. 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. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.⁴

In this case, the Office concluded that the evidence of record was sufficient to establish that a pushing incident occurred on December 2, 2002 as alleged. The record does not include any evidence that refutes appellant's description of the December 2, 2002 incident. Because 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 or persuasive evidence,⁵ the Board finds that the pushing incident occurred on December 2, 2002. Notwithstanding, the Board also finds that appellant has submitted insufficient evidence to establish a causal relationship between his medical condition and the December 2, 2002 employment incident.

The medical reports of Dr. Boatman note that appellant had a recurrent inguinal hernia which was surgically repaired in June 1999. However, Dr. Boatman did not provide a rationalized medical opinion establishing a causal relationship between appellant's recurrent

¹ 5 U.S.C. § 8107.

² *Betty J. Smith*, 54 ECAB ____ (Docket No. 02-149, issued October 29, 2002).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *James Mack*, 43 ECAB 321 (1991).

⁵ *Linda S. Christian*, 46 ECAB 598 (1995).

hernia and the December 2, 2002 employment incident. He did not explain how appellant's recurrent hernia was causally related to his employment. In his December 10, 2002 report, Dr. Boatman noted by checking a box "yes" that appellant's injury was causally related to his employment. However, the Board has long held that, when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion has little probative value and is insufficient to establish a claim.⁶

As appellant failed to submit any medical evidence which discussed how specific factors of his federal employment caused or contributed to his condition or provided sufficient rationale for the conclusions therein, the Office properly denied his claim.⁷

The January 23, 2003 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 28, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

⁶ *Lee R. Haywood*, 48 ECAB 145 (1996).

⁷ The Board notes that this case record contains evidence which was submitted subsequent to the Office's January 23, 2003 decision. The Board does not have jurisdiction to review this evidence for the first time on appeal. 20 C.F.R. § 501.2(c).