

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLENE A. CHIRUM and U.S. POSTAL SERVICE,
POST OFFICE, South Hills, PA

*Docket No. 02-1935; Submitted on the Record;
Issued February 5, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
DAVID S. GERSON

The issue is whether appellant sustained an injury in the performance of duty on January 19, 2001, as alleged.

On January 22, 2001 appellant, then a 43-year-old distribution/window clerk, filed a claim asserting that she injured her back on January 19, 2001. She explained that her right ankle hit the wheel of a truck and she avoided falling by twisting her back. Appellant was not aware of a back injury until later in the day when she felt severe pain in her lower back.

In a decision dated July 24, 2001, the Office of Workers' Compensation Programs denied appellant's claim. The Office found that, although the evidence supported that appellant actually experienced the claimed event, the medical evidence offered no opinion on the cause of appellant's condition.

On February 7, 2002 an Office hearing representative affirmed the denial of appellant's claim for lack of sufficient medical evidence substantiating the injury claimed.

Appellant requested reconsideration and submitted a narrative report dated March 7, 2002 from her attending physician, Dr. Anita Edwards:

“[Appellant] is a patient of mine who was seen by me on January 24, 2001 for a back injury. [She] had originally contacted me on January 21, [2001] after having been seen at the Upper St. Clair Hospital where she was diagnosed with sciatica and was given Motrin. [Appellant] at that particular time was complaining of severe pain and inability to sit. The pain was radiating down her leg with numbness. [She] was given a muscle relaxant, steroids for the pain. By the time of her visit of January 24, [2001] [appellant] had improved. She then relayed the story of having injured her ankle at work which she felt had started her pain. [Appellant], by January 24[, 2001] had started to improve. We gave her some physical therapy, put her back on nonsteroidals, had her return to light duty on

January 25[, 2001] and was to followup within two weeks. On February 5, [2001] [appellant] was seen again. Her pain had improved. [Appellant] had three or four visits for physical therapy. We felt that the sciatica had resolved and she returned to work on February 5, 2001 with no restrictions.

“Although in our note we do mention that [appellant] had incidents of lower back pain in the past, it seems that this was an acute injury that was not associated with her previous injury although [she] has had chronic back problems. We do realize that if a patient has a history of a bad back it is easy to cause it to flare but she was not in any back pain at the time of her injury.”

In a decision dated June 27, 2002, the Office reviewed the merits of appellant’s claim and denied compensation. The Office found that the March 7, 2002 report of Dr. Edwards was insufficient to support appellant’s claim.

The Board finds that the medical evidence is insufficient to establish that appellant sustained an injury in the performance of duty on January 19, 2001, as alleged.

An employee seeking benefits under the Federal Employees’ Compensation Act¹ has the burden of proof to establish the essential elements of her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.²

The Office accepts that appellant’s ankle hit the wheel of a truck on January 19, 2001 and that she prevented herself from falling. She has established that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. The question for determination is whether this incident caused or aggravated her diagnosed sciatica.

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,⁴ must be one of reasonable medical certainty⁵

¹ 5 U.S.C. §§ 8101-8193.

² See *Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). See generally *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁶

Appellant has not submitted such evidence. Dr. Edwards reported that on January 24, 2001 she related “the story of having injured her ankle at work which she felt had started her pain.” Dr. Edwards did not describe the incident that occurred on January 19, 2001 and she did not mention the date. Although she indicated that it was appellant’s feeling that the ankle injury started her back pain, Dr. Edwards herself offered no clear medical conclusions. Her statement that “it seems that this was an acute injury” and her general observation about flare ups falls short of the reasoned medical opinion necessary to establish the element of causal relationship.

Because Dr. Edwards failed to describe what happened on January 19, 2001 and because she offered no sound medical reasoning to explain how the accepted incident caused or aggravated appellant’s diagnosed sciatica, her report is of little probative value and is insufficient to discharge appellant’s burden of proof.⁷

The June 27 and February 7, 2002 and July 24, 2001 decisions of the Office of Workers’ Compensation Programs are affirmed.

Dated, Washington, DC
February 5, 2003

Alec J. Koromilas
Chairman

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

⁶ See *William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ *James A. Wyrick*, 31 ECAB 1805 (1980) (physician’s report was entitled to little probative value because the history was both inaccurate and incomplete); *George Randolph Taylor*, 6 ECAB 968 (1954) (medical conclusion unsupported by rationale). See generally *Melvina Jackson*, 38 ECAB 443, 450 (1987) (addressing factors that bear on the probative value of medical opinions).