

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LARRY E. HENNESSY and U.S. POSTAL SERVICE,
POST OFFICE, Wilmette, IL

*Docket No. 03-30; Submitted on the Record;
Issued March 24, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant established that he sustained degenerative disc disease of the cervical spine while in the performance of duty.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the June 6, 2002 decision of the Office of Workers' Compensation Programs is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ The medical evidence appellant submitted to establish that his degenerative disc disease of the cervical spine was causally related to his work consisted of the reports of his treating physician, Dr. John B. Dorsey, a Board-certified orthopedist, which lacked adequate rationale establishing a causal connection between appellant's current medical condition and his employment. *See Theron J. Barham*, 34 ECAB 1070 (1983) (where the Board found that a vague and unrationalized medical opinion on causal relationship had little probative value). The second opinion physician, Dr. J. Pierce Conaty, a Board-certified orthopedist, provided a comprehensive report which determined that appellant's condition of degenerative disc disease of the cervical spine was not causally related to appellant's employment as his short period of employment with the employing establishment was not sufficient to result in the significant degenerative changes noted radiographically. Dr. Conaty's report was found to be sufficiently well rationalized and based upon a proper factual background such that it is the weight of the evidence.

The June 6, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
March 24, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member