



was diagnosed with a cervical strain and a left knee contusion.<sup>1</sup> He was treated on June 8, 2000 at the Metropolitan Methodist Hospital where he was diagnosed with an acute stress reaction and advised to follow up with a mental health care specialist. Appellant was diagnosed with a cervical strain on June 12, 2000 and cleared for full-duty work. He returned to his regular work at the employing establishment shortly thereafter. Appellant's claim was accepted by the Office for a cervical strain and his claim remained inactive for almost three years.

On May 12, 2003 appellant filed a claim for a recurrence of disability alleging that his work stoppage on March 29, 2003 was due to his June 6, 2000 employment injury. He indicated that he experienced flashbacks of the June 6, 2000 accident and contended that he sustained a post-traumatic stress disorder (PTSD) as a result of that accident.

In support of his claim, appellant submitted a May 8, 2003 report from Dr. Erlinda Belvis, an attending Board-certified psychiatrist, who indicated that he was admitted to the hospital due to symptoms of severe PTSD and severe depression. She stated that appellant reported being thrown about 15 feet when he was hit by a vehicle at the employing establishment. Dr. Belvis noted that appellant reported having flashbacks of the accident and that he was susceptible to angry outbursts. She diagnosed severe chronic PTSD and severe chronic major depression with melancholia. Dr. Belvis indicated that he had back pain due to a herniated lumbar disc, cervical pain and knee pain and suggested that this pain was related to the "work injury." She found that appellant was not able to work, indicating that he was severely depressed and had symptoms of PTSD. In a form report dated May 8, 2003, she checked a "yes" box indicating that appellant sustained PTSD and major depression with melancholia due to his June 6, 2000 injury which occurred when he was "hit by a truck." Dr. Belvis stated that this condition disabled appellant from all work starting May 7, 2003.

By decision dated May 30, 2003, the Office denied appellant's claim on the grounds that he did not submit sufficient medical evidence to establish that he sustained a recurrence of disability on or after March 29, 2003 due to the June 6, 2000 employment injury.

Appellant submitted a November 11, 2003 report in which Dr. Belvis provided an assessment of his condition similar to that provided in the May 8, 2003 report. Dr. Belvis stated that appellant had a regression of his psychological symptoms and remained totally disabled from work.

Appellant requested a hearing before an Office hearing representative which was held on January 29, 2004. He testified that he was thrown 15 feet by the truck which hit him on June 6, 2000. By decision dated and finalized on April 19, 2004, the Office hearing representative affirmed the Office's May 30, 2003 decision.

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<sup>1</sup> In a medical report dated June 6, 2000, appellant reported that he was struck by a "slow moving vehicle" which backed into him and knocked him onto his left knee. Witness statements by both appellant and coworkers, dated in June 2000, indicate that he was thrown to the ground by a vehicle which was backing up.

## LEGAL PRECEDENT

An individual who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which compensation is claimed is causally related to the accepted injury.<sup>2</sup> This burden includes the necessity of furnishing medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical rationale.<sup>3</sup> Where no such rationale is present, medical evidence is of diminished probative value.<sup>4</sup>

## ANALYSIS

On June 6, 2000 appellant sustained a cervical strain at work when he was struck by a heavy vehicle that was backing up. He returned to his regular work at the employing establishment shortly after he was cleared for full-duty work on June 12, 2000. Appellant subsequently claimed a recurrence of total disability on March 29, 2003 due to his June 6, 2000 employment injury. He indicated that he sustained PTSD as a result of his June 6, 2000 injury.

In support of his claim, appellant submitted May 8, 2003 reports in which Dr. Belvis, an attending Board-certified psychiatrist, determined that appellant sustained a recurrence of total disability on May 7, 2003 due to his June 6, 2000 employment injury. She stated that appellant sustained severe chronic PTSD and severe chronic major depression with melancholia due to the June 6, 2000 injury. These reports, however, are of limited probative value on the relevant issue of the present case in that they do not contain adequate medical rationale in support of their opinions on causal relationship.<sup>5</sup> Appellant's claim was accepted for a cervical strain rather than a psychiatric condition. Dr. Belvis did not provide any explanation of the medical process through which appellant sustained PTSD or depression first diagnosed three years after the June 6, 2000 injury.<sup>6</sup> Such medical rationale is especially necessary in the present case, as appellant was only briefly treated for his cervical strain and then returned to regular duty for the employing establishment. Moreover, there is no indication that appellant was treated for any medical condition between June 2000 and May 2003, a period of almost three years. Dr. Belvis did not explain how appellant was able to perform his regular work for such an extended period without apparent problems or the delayed diagnosis of PTSD.

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<sup>2</sup> *Charles H. Tomaszewski*, 39 ECAB 461, 467 (1988); *Dominic M. DeScala*, 37 ECAB 369, 372 (1986).

<sup>3</sup> *Mary S. Brock*, 40 ECAB 461, 471-72 (1989); *Nicolea Brusco*, 33 ECAB 1138, 1140 (1982).

<sup>4</sup> *Michael Stockert*, 39 ECAB 1186, 1187-88 (1988).

<sup>5</sup> *See George Randolph Taylor*, 6 ECAB 986, 988 (1954) (finding that a medical opinion not fortified by medical rationale is of little probative value).

<sup>6</sup> The Board has held that an emotional condition related to chronic pain and other residual effects of an employment injury could be covered under the Federal Employees' Compensation Act if such effects are factually established and the medical evidence shows a causal relationship. *See Arnold A. Alley*, 44 ECAB 912, 921-22 (1993); *Charles J. Jenkins*, 40 ECAB 362, 367 (1988).

Dr. Belvis' opinion is of limited probative value for the further reason that it is not based on a complete and accurate factual and medical history.<sup>7</sup> She indicated that appellant was thrown 15 feet when he was struck by a vehicle on June 6, 2000. However, there is no evidence of record which shows that the June 6, 2000 accident was so severe. Rather, the evidence indicates that he fell directly to the ground when struck by a slow moving vehicle that was backing up.<sup>8</sup> Dr. Belvis also indicated that appellant had back pain due to a herniated lumbar disc, cervical pain and knee pain and suggested that these were also related to the "work injury." However, she did not state that appellant had a diagnosable physical condition or provide any clear opinion that such conditions caused appellant to sustain a recurrence of total disability. In a report dated November 11, 2003, Dr. Belvis provided an assessment of appellant's condition similar to that provided in her May 8, 2003 report. This report also lacks adequate medical rationale in support of its apparent opinion on causal relationship.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's claimed condition became apparent during a period of employment nor his belief that his condition was aggravated by his employment is sufficient to establish causal relationship.<sup>9</sup> Appellant failed to submit rationalized medical evidence establishing that his claimed recurrence of disability is causally related to the accepted employment injury and, therefore, the Office properly denied his claim for compensation.

### CONCLUSION

The Board finds that appellant did not meet his burden of proof to establish that he sustained a recurrence of disability on or after March 29, 2003 due to his June 6, 2000 employment injury.

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<sup>7</sup> See *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979) (finding that a medical opinion on causal relationship must be based on a complete and accurate factual and medical history).

<sup>8</sup> For example, in a medical report dated June 6, 2000, appellant reported that he was struck by a "slow moving vehicle" which backed into him and knocked him onto his left knee.

<sup>9</sup> See *Walter D. Morehead*, 31 ECAB 188, 194-95 (1986).

**ORDER**

**IT IS HEREBY ORDERED THAT** the April 19, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 7, 2004  
Washington, DC

Alec J. Koromilas  
Chairman

Colleen Duffy Kiko  
Member

Michael E. Groom  
Alternate Member