United States Department of Labor
Employees' Compensation Appeals Board

JEFFREY K. MORALES, Appellant	)	
and	)	**Docket No. 04-1820**
	)	**Issued: December 7, 2004**
DEPARTMENT OF AGRICULTURE, FOREST SERVICE, YANKEE FORK RANGER DISTRICT, ID, Employer	)	

Appearances:
Jeffrey K. Morales, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chairman
DAVID S. GERSON, Alternate Member
WILLIE T.C. THOMAS, Alternate Member

JURISDICTION

On July 9, 2004 appellant filed a timely appeal from a merit decision of the Office of Workers' Compensation Programs dated June 21, 2004, that denied his claim for further physical therapy. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to review the merits of this case.

ISSUE

The issue is whether appellant's treatment for plantar fasciitis is causally related to his June 9, 2001 employment injury.

FACTUAL HISTORY

On June 9, 2001 appellant, then a 32-year-old forestry technician, filed a traumatic injury claim for compensation to his left ankle sustained on that date during physical training. The Office accepted that appellant sustained a left ankle sprain and authorized a computerized tomography (CT) scan, which was reported to be normal.

In a July 30, 2001 report, Dr. Archie K. Whittamore, an orthopedic surgeon, stated that his initial evaluation of appellant's ankle[1] revealed pain, tenderness and limping. In a September 14, 2001 report, Dr. Whittamore stated that appellant's ankle pain and swelling were down and his range of motion was improving; he recommended continuing aggressive physical therapy, which appellant had been undergoing several times a week since July 23, 2001. A physical therapist's November 8, 2001 note reported appellant's complaint that "he only feels pain today in his l[eft] arch." In a November 19, 2001 report, Dr. Whittamore stated that appellant's ankle was doing much better, with better range of motion, decreased discomfort and no further pain. Dr. Whittamore listed his plan: "Will start him on muscle strengthening and rehabilitation, but I think he can get back to work as of this date."[2] Physical therapy notes from November 29 to December 7, 2001 reflect continued complaints of pain in the bottom of appellant's left foot or plantar fascia.

In a December 4, 2001 note, Dr. Whittamore reiterated that appellant was released to full-duty work status and that he would continue physical therapy. In a January 16, 2002 report, he stated that appellant's ankle was still giving him some problems, with puffiness and tenderness on both sides on examination and that appellant had some problems getting to physical therapy, which would benefit him. In a February 4, 2002 telephone call, the Office authorized four more weeks of physical therapy twice a week.

A February 11, 2002 physical therapy note indicated that appellant was being treated for plantar fasciitis most likely secondary to compensations in gait from his ankle sprain. Dr. Whittamore signed the report in a box containing the statement: "I certify that the above physical therapy is medically necessary and approved by me." On March 8, 2002 the treating physical therapist called the Office requesting additional physical therapy, which was denied on the basis that it was not for the accepted condition of ankle sprain.

By letter dated April 9, 2002, the Office advised appellant that physical therapy was not authorized for his plantar fascia and that, if he felt this condition was related to his employment injury, he needed to provide a report from his attending physician on the relationship. Appellant submitted a March 13, 2002 report from Dr. Whittamore that stated: "His ankle is doing quite a bit better, but he had developed plantar fasciitis. … I think it is primarily related to his ankle injury because of the way he was limping on his ankle at that time." In a May 7, 2002 letter, the Office advised appellant that it had not received any medical documentation supporting that he had an additional diagnosis related to his employment injury and that his request for additional physical therapy was denied. At the urging of the Office, appellant filed a claim for a recurrence of medical treatment related to his June 9, 2001 injury.

By decision dated June 21, 2004, the Office found: "The factual and medical evidence provided does not establish that the claimed recurrence resulted from the accepted work injury

[1] After his injury, appellant moved back to Austin, Texas where he was seen by Dr. Whittamore.

[2] The Office paid appellant compensation for temporary total disability through November 18, 2001.

because there is no medical record on file that provides the causal relation of your current condition as it relates to your original injury of June 9, 2001."

LEGAL PRECEDENT

Section 8103(a) of the Federal Employees' Compensation Act states in pertinent part: "The United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances and supplies prescribed or recommended by a qualified physician, which the Secretary of Labor considers likely to cure, give relief, reduce the degree or the period of disability or aid in lessening the amount of the monthly compensation."[3] While the Office is obligated to pay for treatment of employment-related conditions,[4] appellant has the burden to establish that the expenditures were incurred for treatment of the effects of an employment-related injury or condition.[5] Thus, to be entitled to reimbursement of medical expenses by the Office, appellant must establish a causal relationship between the expenditure and the treatment by submitting rationalized medical evidence that supports such a connection and demonstrates that the treatment is necessary and reasonable.[6]

ANALYSIS

The Office accepted that appellant sustained a traumatic left ankle sprain on June 9, 2001 and authorized physical therapy for this condition, as recommended by his treating orthopedic surgeon, Dr. Whittamore. The Office paid for such physical therapy from July 23, 2001 to the end of February 2002 but denied payment for further physical therapy on the basis that it was not for the accepted ankle sprain but rather for plantar fasciitis. The Office's June 21, 2004 decision does not deny further physical therapy for the accepted ankle sprain.

Appellant has not established that his plantar fasciitis is causally related to his June 9, 2001 employment injury. The February 11, 2002 note from appellant's physical therapist indicating that his plantar fasciitis was "most likely secondary to compensations in gait from his ankle sprain" is of no probative value because a physical therapist is not a physician under the Act and is not competent to render a medical opinion.[7] The only medical opinion on the relation of appellant's plantar fasciitis to his employment injury is Dr. Whittamore's statement in his March 13, 2002 report that he thought the plantar fasciitis was "primarily related to his ankle injury because of the way he was limping on his ankle at that time." This does not constitute the rationalized medical evidence needed to meet appellant's burden of proof because, while

[3] 5 U.S.C. § 8103(a).

[4] *Mamie L. Morgan*, 41 ECAB 661 (1990).

[5] *Dale E. Jones*, 48 ECAB 648 (1997); *Zane H. Cassell*, 32 ECAB 1537 (1981).

[6] *Debra S. King*, 44 ECAB 203 (1992).

[7] *Linda Blue*, 50 ECAB 227 (1999). The definition of "physician" in section 8101(2) of the Act (5 U.S.C. § 8101(2)) includes only surgeons, podiatrists, dentists, clinical psychologists, osteopathic practitioners and chiropractors.

somewhat supportive, it does not explain how the limping from the accepted ankle sprain caused the plantar fasciitis.

CONCLUSION

The Office properly denied treatment for appellant's plantar fasciitis on the basis that he had not established that this condition is causally related to his accepted left ankle sprain.

ORDER

IT IS HEREBY ORDERED THAT the June 21, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 7, 2004
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member