



Appellant submitted a July 18, 2003 report from Dr. Darrell Scales, an orthopedic surgeon, noting that appellant's work involved packaging mail and repetitive use of his arms, and appellant's symptoms of pain and numbness increased during the day. He also noted that on June 15, 2003 he began to experience pain in his left lateral neck. Dr. Scales diagnosed cervical disc disease, myofascial pain and numbness. A magnetic resonance imaging (MRI) scan on July 18, 2003 revealed prominent degenerative changes at C5-6 with partial stenosis of the left neural foramen.

Dr. Rama Maganti, a neurologist, provided a history that in June 2003 appellant developed neck pain after work that radiated into his left arm. He provided results on examination and diagnosed a probable C7 radiculopathy. Appellant submitted reports regarding his medical history, which included a lumbar laminectomy in 1996 and treatment for left elbow epicondylitis in 2000.

In a decision dated October 21, 2003, the Office denied appellant's claim for compensation. The Office determined that the medical evidence was insufficient to establish a medical condition causally related to employment factors.

Appellant requested a review of the written record and submitted a November 5, 2003 report from Dr. Maganti and Dr. Mark Weissman, a neurosurgeon. The physicians stated that appellant was lifting heavy trays and felt pain in his neck and left shoulder, with appellant going home and developing radicular symptoms into the left arm involving the C6-7 nerve root distribution. Drs. Maganti and Weissman opined that the history as given "could cause the disc extrusion at the C6-7 level on the left side."

By decision dated February 23, 2004, the hearing representative affirmed the October 21, 2003 Office decision. The hearing representative found that the medical evidence did not contain a reasoned medical opinion on causal relationship between a condition and federal employment.

### **LEGAL PRECEDENT**

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>1</sup> The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and his federal employment.<sup>2</sup> Neither the fact that the condition became

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<sup>1</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>2</sup> *See Walter D. Morehead*, 31 ECAB 188 (1979).

manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by his federal employment, is sufficient to establish causal relation.<sup>3</sup>

### ANALYSIS

In the present case, appellant alleged in his CA-2 that his cervical condition was causally related to operating equipment such as a DBCS and OCR. The medical evidence of record indicates that appellant has a cervical condition; the diagnoses include cervical disc disease, C6-7 disc extrusion and C7 radiculopathy. To establish the claim appellant must submit probative evidence on causal relationship between a cervical condition and the employment factors. The only report discussing causal relationship is the November 5, 2003 report signed by Drs. Maganti and Weissman, but this report is of diminished probative value. The report noted an incident involving lifting of heavy trays, which was not discussed by appellant on the claim form or in a later statement. A July 18, 2003 report from Dr. Scales reported a June 15, 2003 incident when appellant experienced neck pain; it is not clear whether this is the lifting incident referred to in the November 5, 2003 report.

With respect to causal relationship, Drs. Maganti and Weissman state that the employment incident “could” have caused the disc extrusion. The opinion is speculative and is not accompanied by medical rationale. Medical opinions that are speculative and not supported by medical rationale are generally entitled to little probative value and are insufficient to meet appellant’s burden of proof.<sup>4</sup>

Therefore the Board finds that the evidence is not sufficient to meet appellant’s burden of proof. Appellant must clearly identify the work factors that are alleged to have contributed to an injury. In addition, the medical evidence must contain a reasoned medical opinion, based on an accurate background, on causal relationship between a diagnosed condition and the identified factors. In the absence of such evidence, the Office properly denied the claim in this case.<sup>5</sup>

### CONCLUSION

The Board finds that appellant did not submit sufficient evidence to establish a cervical condition causally related to his federal employment.

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<sup>3</sup> *Manuel Garcia*, 37 ECAB 767 (1986).

<sup>4</sup> *Carolyn F. Allen*, 47 ECAB 240 (1995).

<sup>5</sup> Appellant submitted evidence after the February 23, 2004 Office decision. The Board’s review of a case is limited to evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decisions of the Office of Workers' Compensation Programs dated February 23, 2004 and October 21, 2003 are affirmed.

Issued: November 17, 2004  
Washington, DC

Alec J. Koromilas  
Chairman

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member