



Dr. Conrad D. Collins, a Board-certified family practitioner, diagnosed a low back strain and advised that she was unable to resume work.

By letter dated November 18, 2003, the Office advised that the information appellant submitted was not sufficient and requested that she provide additional evidence. She was requested to provide additional factual evidence together with a comprehensive medical report from a physician, which described her symptoms, the results of examinations and tests, a diagnosis and the treatment provided along with the physician's opinion with medical reasons on the cause of her condition and how her federal employment contributed to her condition.

In a December 10, 2003 report, Dr. Collins advised that appellant came to his office on October 1, 2003 complaining of low back pain which she had experienced while at work sorting mail. He advised that radiological examination of the lumbar spine and pelvis were normal with no bony abnormalities. Physical examination revealed tenderness and spasms in the lower back region. Appellant was diagnosed with an acute lower back strain. Dr. Collins advised that she had no significant past medical history for any back injuries. He kept appellant out of work until November 17, 2003 on a rest and medication regimen.

By decision dated February 9, 2004, the Office found the evidence of record sufficient to establish that appellant was engaged in mail sorting activities, but that the medical evidence was insufficient to establish that she sustained an injury from the accepted work factors.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing that he or she sustained an injury while in the performance of duty.<sup>2</sup> In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether "fact of injury" has been established. Generally, "fact of injury" consists of two components, which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident that is alleged to have occurred. The second component is whether the employment incident caused a personal injury and generally this can be established only by medical evidence.<sup>3</sup>

In order to satisfy her burden of proof, an employee must submit a physician's rationalized medical opinion on the issue of whether the alleged injury was caused by the employment incident.<sup>4</sup> Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the employee's alleged injury and the employment incident. The physician's opinion must be based on a complete factual and medical history of the employee, must be of reasonable

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Melinda C. Epperly*, 45 ECAB 196, 198 (1993); *see also* 20 C.F.R. § 10.115.

<sup>3</sup> *Shirley A. Temple*, 48 ECAB 404, 407 (1997); *see John J. Carlone*, 41 ECAB 354, 357 (1989).

<sup>4</sup> *Gary L. Fowler*, 45 ECAB 365, 371 (1994).

certainty and must rationally explain the relationship between the diagnosed injury and the employment incident as alleged by the employee.<sup>5</sup>

### **ANALYSIS**

The Office accepted that appellant was engaged in sorting mail. The Office, however, found the medical evidence of record insufficient to support a causal relationship between her work activities and the diagnosed condition. In an October 1, 2003 duty status report, Dr. Collins did not provide any explanation as to how appellant's employment may have caused or aggravated a low back strain. In a December 10, 2003 report, Dr. Collins noted the history of onset of appellant's low back pain at work, but did not provide an opinion on causal relationship. He did not explain how the reported work activities would have caused or aggravated the diagnosed low back strain. As Dr. Collins failed to provide a well-rationalized opinion to establish causal relation, his reports are not sufficient to establish appellant's burden of proof.<sup>6</sup>

The Office advised appellant of the type of medical evidence required to establish her claim; however, she failed to submit such evidence. Appellant did not provide a rationalized medical opinion to describe or explain how the October 1, 2003, employment-related sorting activity caused an injury.

### **CONCLUSION**

The Board finds that appellant has failed to establish that she sustained an injury in the performance of duty.

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<sup>5</sup> *Gary J. Watling*, 52 ECAB 278 (2001).

<sup>6</sup> *See Gary Fowler*, *supra* note 4.

**ORDER**

**IT IS HEREBY ORDERED THAT** the Office of Workers' Compensation Program's decision dated February 9, 2004 is affirmed.

Issued: September 14, 2004  
Washington, DC

Alec J. Koromilas  
Chairman

Colleen Duffy Kiko  
Member

Michael E. Groom  
Alternate Member