



In support of his claim, appellant submitted an April 8, 2004 medical report from Dr. Mark Preuss, a family practitioner, who noted a follow-up evaluation of appellant for a work injury to his low back and left leg. He assessed neuropathy-like symptoms down the left leg for over six weeks' duration along with a history of previous back problems and disc disease. Since appellant had prior back surgery, Dr. Preuss requested that a magnetic resonance imaging (MRI) scan be obtained both with and without contrast, which the Office approved.

By letter dated June 17, 2004, the Office informed appellant that the evidence submitted was insufficient to establish his claim and advised him to provide a medical report, including a physician's opinion with medical reasons, on the cause of his condition.

Appellant submitted a July 12, 2004 statement and a copy of an interview conducted on March 22, 2004 in which he described how, while conducting an inspection, he sank knee deep in mud and struggled to free himself. Appellant related that the symptoms he experienced were similar to those experienced with an injury he sustained on July 20, 2001, in which he ruptured his L5-S1 disc.<sup>1</sup> Appellant submitted a witness statement from William Crittendon dated February 19, 2004; copies of the MRI scans of the lumbar spine taken on April 27, 2004; copies of emails dated July 6 and 13, 2004 from the Office to the employing establishment in which it was explained that a "neuropathy" was considered to be a symptom and not considered to be a diagnosed medical condition for purposes of adjudicating the claim. In March 16, 2004 report and a Form CA-17, Dr. Preuss noted that appellant was in an underground coal mine, got his feet stuck in mud, and experienced pain in his lower back and numbness in his left leg while pulling his legs free. Dr. Preuss opined that appellant either had a traction nerve injury in the left or perhaps neuropathy from the disc injury in the back.

By decision dated July 30, 2004, the Office denied the claim finding the medical evidence insufficient to establish the claim. The Office accepted the February 10, 2004 incident in which appellant became stuck in mud, but found the medical evidence insufficient to establish a fair diagnosis of a medical condition.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an "employee of the United States within the meaning of the Act, that the claim was filed within the applicable time limitations of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury."<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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<sup>1</sup> The record indicates that appellant underwent surgery on October 1, 2001 for repair of an L5-S1 disc.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

<sup>3</sup> *David J. Overfield*, 42 ECAB 718, 721 (1991).

To determine whether a federal employee has sustained a traumatic injury in the performance of duty it must first be determined whether a “fact of injury” has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.<sup>4</sup> Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.<sup>5</sup>

Causal relationship is a medical issue, and the medical evidence required to establish a causal relationship is rationalized medical evidence.<sup>6</sup> Rationalized medical evidence is medical evidence which includes a physician’s rationalized medical opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>7</sup> Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>8</sup>

### ANALYSIS

It is not disputed that the claimed incident of February 10, 2004 occurred. However, appellant has not provided rationalized medical opinion evidence supporting a causal relation between his low back and left leg symptoms and the employment incident of February 10, 2004. The medical evidence, which noted a history of previous back surgery fails to provide a discussion of how the February 10, 2004 incident caused or aggravated his current low back and left leg conditions.

The relevant medical evidence of record includes the March 16 and April 8, 2004 reports in which Dr. Preuss opined that appellant either had a traction nerve injury or a neuropathy from the disc injury in the back. However, he did not provide a sufficient opinion regarding the cause of appellant’s condition. The Board has long held that medical evidence which does not offer an opinion regarding the cause of an employee’s condition is of limited probative value on the issue of causal relationship.<sup>9</sup> Additionally, Dr. Preuss did not provide a firm diagnosis of appellant’s symptoms as he recommended that MRI scans be performed. The MRI scans performed on April 27, 2004 denoted various impressions, but do not address a specific diagnosis attributable

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<sup>4</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>5</sup> *Id.*

<sup>6</sup> *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

<sup>7</sup> *Leslie C. Moore*, 52 ECAB 132 (2000); *Gary L. Fowler*, 45 ECAB 365 (1994).

<sup>8</sup> *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

<sup>9</sup> *Michael E. Smith*, 50 ECAB 313 (1999).

to the work incident of February 10, 2004.<sup>10</sup> The Board therefore finds that the reports of Dr. Preuss are insufficient to meet appellant's burden.

While appellant believes that pulling his legs out from the mud on February 10, 2004 caused his current back and left leg conditions, there is insufficient probative, rationalized medical evidence addressing or explaining how his medical conditions were caused or aggravated by the accepted incident. The Board has held that the fact a condition or disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.<sup>11</sup> Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relationship.<sup>12</sup> Causal relationship must be resolved by probative medical evidence, which is appellant's responsibility to submit.<sup>13</sup>

For these reasons, appellant has not met his burden of proof in establishing that he sustained a medical condition in the performance of duty on February 10, 2004.

### CONCLUSION

The Board finds that appellant failed to meet his burden of proof to establish that his back and left leg conditions were caused or aggravated by his employment on February 10, 2004.

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<sup>10</sup> The record indicates that the Office may have authorized the MRI scan. However, the Board held that the mere fact that the Office authorized and paid for medical treatment does not establish that the condition for which the employee received treatment was employment related. *See Gary L. Whitmore*, 43 ECAB 441 (1992).

<sup>11</sup> *See Joe T. Williams*, 44 ECAB 518 (1993).

<sup>12</sup> *Id.*

<sup>13</sup> *Margaret Cravello*, 54 ECAB \_\_\_\_ (Docket No. 03-256, issued March 24, 2003).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated July 30, 2004 is affirmed.

Issued: April 11, 2005  
Washington, DC

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member