United States Department of Labor
Employees' Compensation Appeals Board

R.H., Appellant	)	
and	)	**Docket No. 06-1131**
	)	**Issued: August 14, 2006**
DEPARTMENT OF THE TREASURY, PHILADELPHIA FINANCIAL CENTER, Philadelphia, PA, Employer	)	

Appearances:
R.H., pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On April 10, 2006 appellant filed a timely appeal from the September 20, 2005 and February 14, 2006 merit decisions of the Office of Workers' Compensation Programs, which denied her claim that she sustained an injury in the performance of duty on July 19, 2005. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to review the merits of appellant's claim.

ISSUE

The issue is whether appellant sustained an injury in the performance of duty on July 19, 2005.

FACTUAL HISTORY

On July 26, 2005 appellant, then a 39-year-old industrial equipment operator, filed a claim alleging that she sustained an injury in the performance of duty on July 19, 2005: "Twisted back while changing and pulling paper web on check wrapping system." She stopped

working on July 20, 2005. Theodore H. Reif, her supervisor, reported that appellant did not claim an injury until she was assigned a duty she did not want to perform.

On August 19, 2005 the Office advised appellant to submit additional information, including a detailed narrative report from her physician providing a history of injury, a firm diagnosis and the period and extent of disability. The Office informed appellant:

> "Your physician must also indicate whether and explain why the condition diagnosed is believed to have been caused or aggravated by your claimed injury. "**This evidence is crucial in consideration of your claim. You may wish to discuss the contents of this item with your physician.**" (Emphasis in the original.)

In a decision dated September 20, 2005, the Office denied appellant's claim on the grounds that the evidence was insufficient to establish that the July 19, 2005 incident occurred as alleged. The Office noted that appellant failed to respond to the request for additional information.

Appellant requested a review of the written record by an Office hearing representative. She submitted her account of the injury:

> "On July 19, 2005, I was operating the check wrapping system at the Philadelphia Financial center. I twisted my back while pulling the paper through the check wrapping system. I then pulled a muscle while changing the arbor chuck, weighing about 70 pounds pulled a muscle.
>
> "There was no one to witness the actual injury, but I did report it to the supervisor and mechanic the next morning. (Mechanics [s]tatement provided.)
>
> "At the time of injury, I just took it as a strain. I did not have much pain until the next morning. I had what I thought was just tightening of the muscle. I took a Motrin and went to work. When I came in to work, I told the supervisor I hurt my back yesterday while working and I needed someone to work with who could do the lifting and heavy work."
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> On August 29, 2005 Joseph T. Capece made the following statement:
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> "On Wednesday, July 20, 2005 [appellant] informed me, upon starting her shift, that her back was really bothering her. She asked if she could run on the tan system with [Mr.] Delquadro, or if she could have a qualified operator assist her in operating the system.
>
> "At approximately 7:15 a.m., I simply informed [Mr.] Reif, the supervisor during that shift, about [appellant's] request. I told him that [her] back was bothering her, and that she had requested to run with [Mr.] Delquadro or with another qualified operator."

Appellant submitted treatment notes, the earliest dated July 25, 2005 noting chronic back pain. A July 27, 2005 x-ray report found degenerative changes involving the entire lumbar spine. She was diagnosed that day with acute lumbosacral strain. An August 10, 2005 disability certificate asked that appellant be excused from work July 20 through 22, 2005: "Patient is unable to operate machinery at this time. No lifting over 20 pounds. No bending." An August 12, 2005 magnetic resonance imaging scan report found a normal lumbar spine.

On September 13, 2005 Dr. Joan M. Brown Addley, appellant's physician, completed an attending physician's form report. She diagnosed chronic lumbosacral strain, which she described as a work-related injury. With an affirmative mark Dr. Addley indicated that this condition was caused or aggravated by employment activity. She commented: "Patient says while pulling and lifting at work injured lower back." Dr. Addley noted that July 19, 2005 was the date of injury.

In a decision dated February 14, 2006, the Office hearing representative affirmed the denial of appellant's claim. The hearing representative found that appellant had established the July 19, 2005 incident but failed to submit sufficient medical opinion evidence explaining how this incident caused her lower back strain.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of proof to establish the essential elements of her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.[2]

Causal relationship is a medical issue,[3] and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,[4] must be one of reasonable medical certainty,[5] and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.[6]

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[1] 5 U.S.C. §§ 8101-8193.

[2] *See generally John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); *see also* 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. §§ 10.5(a)(15)-.5(a)(16) ("traumatic injury" and "occupational disease or illness" defined).

[3] *Mary J. Briggs*, 37 ECAB 578 (1986).

[4] *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

[5] *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

[6] *See William E. Enright*, 31 ECAB 426, 430 (1980).

ANALYSIS

There is no dispute in this case that appellant, an industrial equipment operator, was pulling paper through the check wrapping system at work on July 19, 2005. There is also no dispute that she changed the arbor chuck, weighing about 70 pounds. The Board notes that appellant experienced the July 19, 2005 incident at the time, place and in the manner alleged. The question is whether these incidents caused or aggravated her diagnosed chronic lumbosacral strain.

Appellant submitted an attending physician's form report from Dr. Addley, who indicated with an affirmative mark that the chronic lumbosacral strain was caused or aggravated by employment activity on July 19, 2005. Her only explanation, however, was that "patient says while pulling and lifting at work injured lower back." This is not sufficient to establish causal relationship.

As noted, the opinion of a physician must be based on a complete factual and medical background of the claimant. Dr. Addley provided a minimal history of the July 19, 2005 incident at work. She did not provide information concerning where she worked, the title of her job or the physical requirements of her position. Dr. Addley gave no description of the specific employment activities to which appellant attributed her low back condition. "Pulling and lifting at work" is too vague to establish that she based her opinion on a complete and accurate factual background. Medical conclusions based on incomplete histories are of diminished probative or evidentiary value.[7]

Dr. Addley offered almost no medical rationale to support the opinion she expressed. It appears that she simply repeated appellant's belief that she had injured herself at work. She must support her opinion with medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment. Dr. Addley's September 13, 2005 form report lacks medical rationale. The Board has held that, when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion has little probative value and is insufficient to establish causal relationship.[8] Appellant must submit an affirmative opinion from a physician who supports her conclusion with sound medical reasoning.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that she sustained an injury in the performance of duty on July 19, 2005. The evidence establishes that she was pulling paper through the check wrapping system at work on July 19, 2005 and then changed an arbor chuck weighing about 70 pounds. The medical evidence, however, does not

[7] *See James A. Wyrick*, 31 ECAB 1805 (1980) (physician's report was entitled to little probative value because the history was both inaccurate and incomplete). *See generally Melvina Jackson*, 38 ECAB 443, 450 (1987) (addressing factors that bear on the probative value of medical opinions).

[8] *E.g., Lillian M. Jones*, 34 ECAB 379 (1982).

address how these activities caused or aggravated appellant's diagnosed chronic lumbosacral strain.

ORDER

IT IS HEREBY ORDERED THAT the February 14, 2006 and September 20, 2005 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: August 14, 2006
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board