



equipment and water trucks. Appellant stated that he previously sustained a back injury in August 2002 and a knee and shoulder injury and ruptured spinal disc in 2003.

On December 15, 2004 the Office asked appellant to provide additional evidence, including a comprehensive medical report explaining how his back condition was causally related to factors of his federal employment.

Medical notes dated October 26 to December 21, 2004 from Dr. Michael S. Torres indicated that appellant was treated for a lumbar sprain with radiculopathy, traumatic arthritis, sciatica, lumbago and a herniated disc at L4-5 . He noted that appellant had a history of chronic low back and hip pain.<sup>1</sup> Dr. Torres stated that appellant's job duties, including heavy lifting and carrying, extended walking, standing, crawling and kneeling could have aggravated his lower back condition. A November 3, 2004 magnetic resonance imaging (MRI) scan report indicated a disc extrusion at L4 and small central disc protrusions at L3-4, L4-5 and L5-S1.

By decision dated January 18, 2005, the Office denied appellant's claim on the grounds that the medical evidence did not establish that his back condition was causally related to his employment. It accepted the work activities claimed but noted that the medical evidence did not establish that appellant's back condition was causally related to his employment.

Appellant requested an oral hearing that was held on June 14, 2006. He testified that on October 26, 2004 he was crawling up graders, jumping in and out of his truck and pulling fuel and hydraulic hoses.

On June 9, 2006 Dr. David Masel, an attending Board-certified neurosurgeon, provided findings on physical examination and the results of an MRI scan. He diagnosed a herniated lumbar disc. Dr. Masel stated:

“[Appellant] states that on October 26, 2004 he was at work. His duties involved heavy equipment servicing and on that particular day when he was performing his regular job duties he felt a ‘sting’ in his low back that did cause significant pain, but he continued to work. The pain continued to progress throughout the day. The next day he began experiencing right leg pain. [Appellant] has been experiencing since then right posterior thigh pain and right buttock pain with intermittent right-sided low back pain. He states [that] the leg pain is worse than the back pain.

---

<sup>1</sup> A November 5, 2003 lower back and hip injury resolved as of December 2, 2003 and appellant returned to full duties.

“[Appellant] does have a history of previous on-the-job back injuries; August 20, 2002, May 12 and November 5, 2003. He had injured his low back but was not having any right leg symptoms.”

\* \* \*

“[I]t appears [that appellant’s] current symptomatology of back pain with right leg pain is related to his injury sustained while performing his work duties. Even though he had some previous back injuries he was not experiencing any leg pain until his injury of October 2004. It is Dr. Masel’s opinion that the current symptomatology is a work[-]related injury”

By decision dated August 21, 2006, an Office hearing representative affirmed the January 18, 2005 denial of appellant’s claim.

### **LEGAL PRECEDENT**

To establish a causal relationship between a claimant’s medical conditions and his employment, he must submit rationalized medical opinion evidence based on a complete factual and medical background supporting such a causal relationship.<sup>2</sup> Rationalized medical opinion evidence is medical evidence which includes a physician’s opinion on the issue of whether there is a causal relationship between the claimant’s 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>3</sup> An award of compensation may not be based on surmise, conjecture or speculation. Neither the 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>4</sup>

### **ANALYSIS**

Appellant alleged that on October 26, 2004 he sustained a back injury while he was crawling up graders, jumping in and out of his truck and pulling fuel and hydraulic hoses. The Office accepted the work activities claimed but noted that the medical evidence did not establish that appellant’s back condition was causally related to his employment.

Dr. Torres diagnosed a lumbar sprain with radiculopathy, traumatic arthritis, sciatica, lumbago and a herniated disc at L4-5. He noted that appellant had a history of chronic low back and hip pain. Dr. Torres stated that appellant’s job duties, including heavy lifting and carrying, climbing, crawling, bending, kneeling and extended standing could have aggravated his lower

---

<sup>2</sup> *Michael S. Mina*, 57 ECAB \_\_\_ (Docket No. 05-1763, issued February 7, 2006).

<sup>3</sup> *Gary J. Watling*, 52 ECAB 278 (2001); *Gloria J. McPherson*, 51 ECAB 441 (2000).

<sup>4</sup> *Michael S. Mina*, *supra* note 2.

back condition. However, he did not describe the specific tasks that appellant was performing on October 26, 2004 or the specific mechanism of injury. Dr. Torres' opinion on causal relationship is speculative. He indicated that appellant's job "could" have aggravated his back condition. Additionally, Dr. Torres diagnosed numerous separate back conditions but provided insufficient medical rationale as to how appellant's job caused or aggravated the listed back conditions. Due to these deficiencies, his notes are not sufficient to establish that appellant sustained a work-related back injury on October 26, 2004.

Dr. Masel diagnosed a herniated lumbar disc. He stated that appellant's duties involved heavy equipment servicing. On October 26, 2004 appellant was performing his regular job duties when he felt a 'sting' in his low back that caused significant pain but he continued to work. The pain continued to progress throughout the day. The next day appellant began experiencing right leg pain, right posterior thigh pain, right buttock pain and intermittent right-sided low back pain. Dr. Masel stated:

“[I]t appears [that appellant's] current symptomatology of back pain with right leg pain is related to his injury sustained while performing his work duties. Even though he had some previous back injuries he was not experiencing any leg pain until his injury of October 2004. It is Dr. Masel's opinion that the current symptomatology is a work[-]related injury”

However, Dr. Masel did not display knowledge of the specific activities appellant was performing on October 26, 2004. His statement that appellant performed "heavy equipment servicing" does not demonstrate the specific employment activities in which appellant was engaged on October 26, 2004. Dr. Masel did not specify the level of the herniated disc, the location in the spine. Additionally, he did not provide sufficient medical rationale explaining how appellant's activities on October 26, 2004 caused or contributed to his herniated disc. The Board has held that medical reports containing inadequate rationale on causal relationship are entitled to little probative value and are generally insufficient to meet an employee's burden of proof.<sup>5</sup> Lacking a complete and accurate factual background, a precise diagnosis and sufficient medical rationale addressing the issue of causal relationship, Dr. Masel's report is not sufficient to establish that appellant's back condition was caused or aggravated by factors of his employment.

### **CONCLUSION**

The Board finds that appellant failed to establish that his back condition was causally related to his federal employment.

---

<sup>5</sup> *Franklin D. Haislah*, 52 ECAB 457 (2001); *Jimmie H. Duckett*, 52 ECAB 332 (2001).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated August 21, 2006 is affirmed.

Issued: March 12, 2007  
Washington, DC

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

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board