

his prior injury. His modified letter carrier duties required sitting at a desk performing computer work and other light work for supervisors. Appellant also brought out express mail and relays. Over time, his back pain progressively worsened from performing different jobs. It increased to the point where his doctor took him off work on June 20, 2006. Appellant stated that sitting on a wooden, hard-backed desk chair caused him constant back pain.² He also stated that the work trucks he used were too small and he had to constantly bend while using the work trucks.

In an August 15, 2006 report, Dr. Michelle A. Shields, a Board-certified family practitioner, diagnosed lumbar disc disease with radiculopathy. She explained that appellant had been off work since June 20, 2006 because of unrelenting back pain. Dr. Shields noted that appellant had previously injured his back on June 16, 2003 while lifting a 35- to 70-pound tray of mail. She explained that degenerative disc disease progresses with time and does not require another injury to worsen.

Appellant resumed limited-duty work on September 19, 2006.

Dr. Shields provided another report on October 8, 2006. She explained that a recent magnetic resonance imaging scan showed a disc herniation at L5-S1 and that appellant was not a candidate for surgery. The stated purpose of Dr. Shields' report was to explain the causal relationship between appellant's recent disability beginning June 20, 2006 and his original June 2003 injury of acute lumbosacral strain and aggravation of degenerative disc disease.³ She indicated that it was well known that persons with degenerative disc disease do not require a severe injury to cause an exacerbation of their disease. According to Dr. Shields, the injury can be the accumulation of repetitive movements, such as bending reaching or kneeling. She further explained that the natural course of the disease is to wax and wane. Dr. Shields described the physical requirements of appellant's regular letter carrier duties and explained that because of his worsening back pain and spasms, he was unable to perform those duties between June 20 and September 18, 2006.⁴

In a decision dated December 22, 2006, the Office denied the claim finding that the medical evidence did not establish a causal relationship between appellant's current back complaints and his light-duty assignment.

Appellant requested an oral hearing, which was held on May 7, 2007. At the hearing, he testified regarding the various duties he performed as a modified mail carrier. Appellant did not submit additional medical evidence.

By decision dated July 5, 2007, the Office hearing representative affirmed the December 22, 2006 decision.

² The employing establishment indicated that appellant was able to change positions as needed.

³ This report was submitted under file number 09-2034690.

⁴ Dr. Shields described appellant's duties as lifting up to 70 pounds, with 35 pounds on a shoulder. She also noted that appellant had to work and stand for eight hours a day, with kneeling or repeated bending for two hours a day.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees' Compensation Act⁵ has the burden of establishing the essential elements of his claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.⁶

To establish that an injury was sustained in the performance of duty, a claimant must submit: (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 diagnosed condition is causally related to the employment factors identified by the claimant.⁷

ANALYSIS

The medical reports from Dr. Shields established a diagnosis of lumbar degenerative disc disease with radiculopathy. Dr. Shields was of the opinion that appellant's back pain and spasms precluded him from working during the period June 20 to September 18, 2006. The Board finds that Dr. Shields' reports fail to establish that appellant's current lumbar condition is causally related to the duties he performed as a modified mail handler. Neither of her reports make mention of appellant's modified letter carrier duties. Dr. Shields' reports suggest that appellant's current back complaints are a result of the natural progression of his degenerative condition. In both reports she explained that an exacerbation can occur without further severe injury. Although Dr. Shields stated that an exacerbation could also result from an accumulation of repetitive movements, such as bending reaching or kneeling, she did not indicate that those particular factors were responsible for appellant's current condition. As such, the medical evidence of record is insufficient to establish a causal relationship between appellant's condition and his current job duties. The Office, therefore, properly denied appellant's claim.

CONCLUSION

Appellant's has not established that his lumbar degenerative disc disease is causally related to his employment as a modified mail carrier.

⁵ 5 U.S.C. §§ 8101-8193 (2000).

⁶ 20 C.F.R. § 10.115(e), (f) (2007); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996). Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence. See *Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors. *Id.*

⁷ *Victor J. Woodhams*, *supra* note 6.

ORDER

IT IS HEREBY ORDERED THAT the July 5, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 15, 2008
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

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