

in March 2005 and that she was scheduled for spine surgery on February 27, 2007. Appellant had intermittent work absences while on light duty in 2006. Timekeeping forms show that she checked a box indicating that December 2006 absences were not work related. Appellant stopped work on January 24, 2007.

In a January 30, 2007 letter, an employing establishment official noted that, in February 2005, appellant changed crafts from clerk to city carrier, a more physically demanding job. It was at this time that she first sought medical attention for back problems. The employing establishment submitted January 2007 statements from Pamela Collins, postmaster, and Linda Butler and Linda Gersky, supervisors, asserting that appellant's symptoms were due to "female problems." They alleged that appellant stated she would file a fraudulent compensation claim if a request for advanced sick leave for back surgery was denied.¹

In a February 13, 2007 letter, the Office advised appellant that supervisory statements and timekeeping forms indicated that the claimed back condition was not work related. The Office requested that appellant explain why she believed her back condition was related to work factors. Also, appellant was directed to submit rationalized reports from her attending physician explaining how and why the identified work factors would cause or aggravate the claimed condition.

In a February 24, 2007 letter, appellant asserted that her supervisors misinterpreted her remarks. She alleged that supervisors refused her leave requests to avoid work shortfalls that would make them look bad. Appellant submitted medical evidence.

Dr. Shlomo S. Mandel, an attending Board-certified internist specializing in occupational medicine, submitted reports regarding appellant's degenerative disc disease from April 2006 to January 24, 2007. He did not address causal relationship.

In a February 7, 2007 form report, Dr. Thomas Pinson, an attending osteopathic physician specializing in family practice, provided a history of injury as "repetitive injury February 2004 progressive."² He diagnosed degenerative joint disease of the lumbosacral spine, with surgery scheduled for March 2007. Dr. Pinson checked a box "yes" indicating his support for causal relationship.

In a February 8, 2007 form report, Dr. Stephen Bartol, an attending Board-certified orthopedic surgeon, noted a two-year history of lumbar pain radiating into the left leg. He diagnosed multilevel degenerative disc disease and disc bulging at L4-5 and L5-S1 with compression of the L4 and L5 nerve roots. Appellant underwent a left L4-5 and L5-S1 decompression, laminectomy and foraminotomy on March 2, 2007.

By decision dated March 26, 2007, the Office denied appellant's claim on the grounds that causal relationship was not established. The Office accepted that the identified work factors

¹ The employing establishment approved appellant's Family and Medical Leave Act (FMLA) request on February 23, 2007.

² A June 9, 2005 lumbar magnetic resonance imaging (MRI) scan showed degenerative changes with central and neuroforaminal compromise at L1-2, L4-5 and L5-S1.

occurred at the time, place and in the manner alleged. The Office found that appellant submitted insufficient rationalized medical evidence supporting a causal relationship between the accepted work factors and the claimed lumbar condition.

In a letter postmarked April 19, 2007, appellant requested an oral hearing, held August 8, 2007. At the hearing, she asserted that she fell at work on September 12, 2006 but did not file a claim as she was not injured. Appellant reiterated that she never told her supervisors that she would file a fraudulent claim. She alleged that Ms. Butler, Ms. Collins and Ms. Gersky were removed or reassigned due to managerial misconduct.

After the hearing, appellant's supervisors submitted letters contending that appellant filed a fraudulent claim and that they were not removed for cause. Appellant submitted statements denying she filed a false claim and asserting that the supervisors were transferred due to misconduct.

By decision dated and finalized September 11, 2007, the Office affirmed the March 26, 2007 decision, finding that appellant did not establish that she sustained a back condition in the performance of duty on the grounds that causal relationship was not established. The Office hearing representative noted the supervisory statements attributing appellant's symptoms to "female problems" and alleging that her December 2006 absences were not occupationally related. The hearing representative found that, despite these protestations, the medical evidence clearly established that appellant had a lumbar condition. However, appellant submitted insufficient medical evidence to establish causal relationship.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act³ 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 limitation; that an injury was sustained while 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.⁴ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.⁵

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) 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 employment factors identified by the claimant were the proximate cause of the condition for

³ 5 U.S.C. §§ 8101-8193.

⁴ *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *See Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999).

which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish causal relationship is generally rationalized medical opinion evidence. 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 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 medial 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.⁶

ANALYSIS

Appellant alleged that she developed a back condition due to casing mail and delivering mail on or before February 25, 2005. The Office accepted that appellant performed such duties, but denied her claim on the grounds that the medical evidence was not sufficient to establish that these work factors caused or aggravated the claimed condition.

In support of her claim, appellant submitted reports from three attending physicians. Dr. Mandel, a Board-certified internist, diagnosed degenerative disc disease in reports from April 2006 to January 2007. Dr. Bartol, a Board-certified orthopedic surgeon, in a February 8, 2007 form report diagnosed multilevel degenerative disc disease necessitating surgery. However, neither physician addressed appellant's work factors or discussed causal relationship. Their opinions are insufficient to meet appellant's burden of proof.⁷

Appellant also submitted a February 7, 2007 form report from Dr. Pinson, an osteopathic physician specializing in family practice, who diagnosed progressive lumbosacral degenerative joint disease, characterizing the condition as a "repetitive injury" with an onset in February 2004. Dr. Pinson did not identify any work factors as the repetitive tasks that caused or contributed to appellant's back condition. Also, he stated that appellant's condition began in February 2004 whereas she asserted it began in February 2005. This inaccuracy diminishes the probative value of Dr. Pinson's opinion.⁸ Dr. Pinson also checked a box "yes" indicating his support for causal relationship. However, it is well established that the checking of a box yes in a form report, without additional explanation or rationale, is not sufficient to establish causal relationship.⁹ Dr. Pinson's opinion is thus insufficient to establish causal relationship.

The Board notes that appellant was advised by a February 13, 2007 letter of the importance of submitting a rationalized report from her physician explaining how and why work factors would cause the claimed condition. However, appellant did not submit such evidence.

⁶ *Solomon Polen*, 51 ECAB 341 (2000).

⁷ See *Jimmie H. Duckett*, 52 ECAB 332 (2001); *Frank D. Haislah*, 52 ECAB 457 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value).

⁸ *James R. Taylor*, 56 ECAB 537 (2005).

⁹ *Sedi L. Graham*, 57 ECAB ____ (Docket No. 06-135, issued March 15, 2006).

Appellant has not established that she sustained a back condition in the performance of duty, as she submitted insufficient rationalized medical evidence to establish the asserted causal relationship.

CONCLUSION

The Board finds that appellant has not established that she sustained a lumbar condition in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated and finalized September 11 and March 26, 2007 are affirmed.

Issued: May 6, 2008
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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