

duty. She noted a prior low back injury in 1998 which she stated was job related. Dr. Tarbet provided results on examination and stated x-rays showed some narrowing of the L4-5 and L5-S1 intervertebral disc space. She stated that appellant had muscular low back pain and prescribed medication and physical therapy.

On February 24, 2009 the Office accepted the claim for low back pain syndrome. The record indicates that on March 16, 2009 the Office received a March 12, 2009 request for physical therapy authorization for the period February 9 to March 4, 2009. The diagnosis code was 724.2 (lumbago). On March 19, 2009 the Office authorized physical therapy from February 9 to April 2, 2009.

On April 24, 2009 the Office received an April 23, 2009 physical therapy authorization request for the period April 27 to May 25, 2009. The diagnosis code was 722.73 (intervertebral disc disorder with myelopathy, lumbar region). The specific part of the body to be treated was described as L4-5 disc bulge/lower back.

By letter dated April 28, 2009, the Office advised appellant that the evidence was not sufficient to authorize physical therapy from April 27 to May 25, 2009, as it was not established the treatment was for an accepted employment-related condition. Appellant was advised to submit relevant evidence within 30 days. On May 18, 2009 she submitted an April 20, 2009 note from Dr. Tarbet diagnosing L4-5 disc bulge.

In a decision dated September 24, 2009, the Office denied authorization for physical therapy from April 27 to May 25, 2009. It found that the medical evidence did not establish that treatment was necessary for the accepted work injury.

Appellant requested reconsideration and submitted additional evidence. In a report dated April 6, 2009, Dr. Tarbet indicated that a magnetic resonance imaging (MRI) scan revealed a diffuse disc bulge at L4-5. She also noted there appeared to be a superimposed small central disc protrusion at that level. Dr. Tarbet indicated that appellant should continue with a 10-pound lifting restriction and physical therapy would be put on hold pending a bone scan. In a report dated April 20, 2009, she stated the bone scan was unremarkable. Dr. Tarbet diagnosed L4-5 disc bulge with small central protrusion and recommended that appellant resume physical therapy.

By decision dated February 26, 2010, the Office reviewed the case on its merits and denied modification of the September 24, 2009 decision.

LEGAL PRECEDENT

Section 8103(a) of the Federal Employees' Compensation Act provides for the furnishing of services, appliances and supplies prescribed or recommended by a qualified physician which the Office, under authority delegated by the Secretary, considers likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of monthly compensation.¹ In interpreting 5 U.S.C. § 8103(a), the Board has recognized that the Office has

¹ 5 U.S.C. § 8103(a).

broad discretion in approving services provided under the Act to ensure that an employee recovers from his or her injury to the fullest extent possible in the shortest amount of time.² The Office has administrative discretion in choosing the means to achieve this goal and the only limitation on the Office's authority is that of reasonableness.³

While the Office is obligated to pay for treatment of employment-related conditions, appellant has the burden of establishing that the expenditure is incurred for treatment of the effects of an employment-related injury or condition.⁴ Proof of causal relationship must include supporting rationalized medical evidence.⁵

ANALYSIS

The Office accepted that on January 12, 2009 appellant was lifting a tub of mail and she sustained low back pain syndrome. The attending orthopedic surgeon, Dr. Tarbet, initially recommended physical therapy in a February 5, 2009 report for treatment of the low back pain. As of April 6, 2009, however, Dr. Tarbet diagnosed an L4-5 disc bulge with small central disc protrusion. Appellant requested authorization for physical therapy from April 27 to May 25, 2009. The authorization request form had a diagnosis of intervertebral disc disorder. Dr. Tarbet did not provide any opinion relating the L4-5 disc condition to appellant's accepted injury.

As noted, appellant has the burden to establish that treatment is for an employment-related condition. The Office has not accepted an L4-5 disc bulge or intervertebral disc disorder as causally related to the January 12, 2009 employment injury. Moreover, the medical evidence of record does not contain a rationalized medical opinion on the issue. Dr. Tarbet provided a diagnosis but did not offer any medical explanation on causal relationship with the employment injury. The Office has broad discretion under 5 U.S.C. § 8103(a) to authorize physical therapy. It was reasonable for the Office to deny physical therapy authorization on the grounds that the treatment was for a condition not established as employment related. The Board accordingly finds that the Office did not abuse its discretion in denying authorization for physical therapy from April 27 to May 25, 2009 based on the medical evidence of record.

On appeal appellant states that the x-rays and MRI scan showed a disc bulge. The issue, however, is causal relationship. The evidence does not establish the L4-5 diagnosis as causally related to the employment injury. Therefore, it was not established that physical therapy treatment for the requested period was employment related.

² *Dale E. Jones*, 48 ECAB 648, 649 (1997).

³ *Daniel J. Perea*, 42 ECAB 214, 221 (1990) (holding that abuse of discretion by the Office is generally shown through proof of manifest error, clearly unreasonable exercise of judgment or administrative actions which are contrary to both logic and probable deductions from established facts).

⁴ *See Debra S. King*, 44 ECAB 203, 209 (1992).

⁵ *Id.*; *see also Bertha L. Arnold*, 38 ECAB 282 (1986).

CONCLUSION

The Board finds that the Office properly denied authorization for physical therapy from April 27 to May 25, 2009.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated February 26, 2010 is affirmed.

Issued: December 8, 2010
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

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