

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHERYL K. BACHE and U.S. POSTAL SERVICE,
POST OFFICE, Richmond, Va.

*Docket No. 96-1288; Submitted on the Record;
Issued May 18, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury on September 19, 1995 causally related to factors of her federal employment.

On September 19, 1995 appellant, then a 41-year-old letter sorting machine clerk, filed an occupational disease claim alleging that on that date she felt a tingling sensation on the left side of her back and her left arm “[felt] like droopy.” She indicated that she believed that she had a pinched nerve.

In a form report dated September 19, 1995, Dr. Steven M. Otto, a neurologist, related that appellant was complaining of back and neck pain and thigh numbness. He diagnosed a suspected pinched nerve with radiculopathy. He did not indicate the cause of the condition.

In a report dated September 22, 1995, Dr. Arthur Bragg, a family practitioner, diagnosed a possible transient ischemic attack and checked the block marked “yes” indicating that the condition was causally related to appellant’s employment.

By decision dated January 22, 1996, the Office of Workers’ Compensation Programs denied appellant’s claim for compensation benefits on the grounds that the evidence of record failed to establish that appellant had sustained any medical condition or disability causally related to factors of her employment.

The Board finds that appellant has failed to meet her burden of proof to establish that she sustained an injury on September 19, 1995 causally related to factors of her employment.

An award of compensation may not be based on surmise, conjecture, speculation, or appellant’s belief of causal relationship.¹ Appellant has the burden of establishing by the weight

¹ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979); *Miriam L. Jackson Gholikely*, 5 ECAB 537, 538-39 (1953).

of the reliable, probative and substantial evidence that he sustained an injury in the performance of duty and that his disability was caused or aggravated by his employment.² As part of this burden, a claimant must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relationship.³ The mere manifestation of a condition during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁴ Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the employment caused or aggravated his condition is sufficient to establish causal relationship.⁵

In this case, appellant alleged that she sustained an injury to her back and left arm on September 19, 1995 while at work.

In a form report dated September 19, 1995, Dr. Otto, a neurologist, related that appellant was complaining of back and neck pain and thigh numbness. He diagnosed a suspected pinched nerve with radiculopathy. Dr. Otto did not indicate the cause of the condition. As he did not provide a definite diagnosis of appellant's condition and as he did not provide any rationalized medical opinion establishing that this condition was causally related to her employment, his report is not sufficient to discharge appellant's burden of proof.

In a report dated September 22, 1995, Dr. Bragg, a family practitioner, diagnosed a possible transient ischemic attack and checked the block marked "yes" indicating that the condition was causally related to appellant's employment. The Board has held that an opinion on causal relationship which consists only of checking "yes" to a form report question on whether the claimant's disability was related to the history given is of little probative value.⁶ Without any explanation or rationale, such a report has little probative value and is insufficient to establish causal relationship.⁷

² *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

³ *Mary J. Briggs*, 37 ECAB 578, 581 (1986); *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

⁴ *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

⁵ *Joseph T. Gulla*, *supra* note 3.

⁶ *Deborah S. King*, 44 ECAB 203 (1992); *Donald W. Long*, 41 ECAB 142, 146 (1989).

⁷ *Id.*

The January 22, 1996 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
May 18, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member