

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CARL A. HORNIG and DEPARTMENT OF THE AIR FORCE,
ELMENDORF AIR FORCE BASE, Anchorage, AK

*Docket No. 01-674; Submitted on the Record;
Issued October 18, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that his back condition is causally related to his employment.

On June 30, 1999 appellant, then a 58-year-old chemist, filed a claim for an October 3, 1998 employment injury. He stated that, on that date, he sat in a narrow airplane seat for a prolonged period and developed a possible pinched nerve. Appellant indicated that the condition persisted and eventually became worse.

In an August 23, 1999 decision, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that he had not established a causal relationship between his medical condition and his history of sitting in a narrow airplane seat. Appellant requested a hearing before an Office hearing representative which was conducted on June 29, 2000. In a September 8, 2000 decision, the Office hearing representative found that there was no rationalized medical evidence that related appellant's round-trip plane trip to his L5-S1 disc bulge for which he filed a claim nine months after the employment injury. He therefore affirmed the Office's August 23, 1999 decision.

The Board finds that appellant has not met his burden of proof in establishing that he had a medical condition causally related to the October 3, 1998 incident.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim. Appellant has the burden of establishing by reliable, probative and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.² As part of such burden of proof, rationalized medical opinion evidence showing causal relation must

¹ 5 U.S.C. §§ 8101-8193.

² *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

be submitted.³ The mere fact that a condition manifests itself or worsens during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁴ Such a relationship must be shown by rationalized medical evidence of causal relation based upon a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated a disability.⁵

In a June 14, 1999 note, Dr. Charles L. Aarons, a general practitioner, related that appellant was in a small plane on a trip and noticed when he left the plane that he had pain in the right buttocks that radiated down the right leg. He reported that the straight leg raising test was slightly positive on the right. Dr. Aarons noted x-rays were normal except for a slight lumbarized S1. In a June 22, 1999 report, he stated that a magnetic resonance imaging (MRI) scan showed a diffuse disc bulge at L5-S1 which protruded into the neural foramen but did not actually touch the nerve roots. Dr. Aarons noted that the MRI scan was taken with appellant lying on his back. He suggested that, in sitting or standing, the disc bulge might touch the nerve roots. In an accompanying June 22, 1999 form report, Dr. Aarons stated that appellant had a history of riding on an airplane and then developing left low back pain. He diagnosed a bulging or herniated L5-S1 disc. Dr. Aarons noted that the relationship between appellant's history of the diagnosed condition was uncertain. In a duty status report, he indicated that appellant presumably pinched a nerve in a narrow airplane. Dr. Aarons noted that appellant had low back pain radiating into his leg. He diagnosed lumbar disc disease. In a July 27, 1999 report, he repeated the information he had given previously on appellant's history of the plane trip and subsequent back pain, the results of his preliminary examination and the results of the MRI scan.

Dr. Aarons gave a concise account of appellant's history and his diagnosis, based on the results of the MRI scan. However, he has not specifically stated that appellant's prolonged sitting in cramped conditions caused his back pain. Dr. Aarons only commented that the causal relationship was uncertain. Furthermore, he gave no explanation on how prolonged sitting as described by appellant would have caused his back pain, either by causing a disc bulge or by aggravating a preexisting condition. As appellant has not submitted rationalized medical evidence that related his back condition to the October 3, 1998 flight, he has not met his burden of proof in showing that his back condition is causally related to his employment.

³ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

⁴ *Juanita Rogers*, 34 ECAB 544, 546 (1983).

⁵ *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).

The decision of the Office of Workers' Compensation Programs, dated September 8, 2000, is hereby affirmed.

Dated, Washington, DC
October 18, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member