

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RONALD HILL and DEPARTMENT OF THE AIR FORCE,
ROBINS AIRFORCE BASE, Ga.

*Docket No. 97-796; Submitted on the Record;
Issued November 6, 1998*

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 to establish that he sustained a recurrence of disability causally related to the accepted September 6, 1991 employment injury.

On September 10, 1991 appellant, then a 36-year-old materials expediter filed a notice of traumatic injury and claim for continuation of pay/compensation (Form CA-1) alleging that on September 6, 1991 he injured his left hip or left lower back while pulling a box out of the bin. The Office of Workers' Compensation Programs accepted the claim for lumbar strain.

Appellant filed claims for recurrence of disability on April 30, 1992 and November 17, 1995.

By letter dated April 30, 1996, the Office informed appellant of the definition of a recurrence of disability and requested that he submit a rationalized medical opinion from his attending physician addressing the causal relationship between his diagnosed condition and his original injury. The Office also requested a statement from appellant describing his condition, any other injuries or illnesses and an explanation of why his current condition is due to the original injury.

By decision dated June 10, 1996, the Office denied appellant's claim for a recurrence of disability. In the supporting memorandum, the Office noted that appellant had not submitted any medical evidence in support of his claim and that the Office had advised him of the deficiencies of his claim.

In a letter dated October 3, 1996, appellant requested reconsideration of the denial of his claim for a recurrence of disability and submitted medical evidence including reports on various tests performed on appellant in support of his request.

In a letter dated July 1, 1996, Dr. Joe Sam Robinson, Jr., an attending Board-certified neurologist, noted that “prolonged activity exacerbates his complaints.” Dr. Robinson noted that a recent computerized tomography scan showed disc bulging at L4-5 and some bulging at L3-4.

In a July 16, 1996 letter, Dr. Derrick D. Phillips, an attending Board-certified orthopedic surgeon, opined that appellant had “suffered a strain to his lower back” since 1991 and that appellant has had back problems since his work-related injury. Dr. Phillips opined that appellant’s “back problems are related to his previous injury.”

In an August 19, 1996 report, Dr. Laura Moore, an attending physician, indicated that she has been treating appellant since June 1995. Dr. Moore diagnosed “musculoskeletal strain secondary to repetitive work.” Dr. Moore stated that appellant underwent surgery to alleviate his problems with his back and lower extremities.

By decision dated December 10, 1996, the Office denied modification of the June 10, 1996 decision. The Office found the majority of the medical reports submitted to be irrelevant to the question of whether appellant’s current disability was causally related to the accepted employment injury. The Office found that the only relevant evidence, Dr. Phillips’ July 16, 1996 report, was insufficient as the physician failed to provide a medical rationale supporting his opinion.

The Board finds that appellant has not met his burden of proof to establish that he sustained a recurrence of disability causally related to the accepted September 6, 1991 employment injury.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the recurrence of a disabling condition for which he seeks compensation was causally related to his employment injury.¹ As part of such burden of proof, rationalized medical evidence showing causal relation must be submitted.² The fact that a condition manifests itself during a period of employment does not raise an inference of causal relationship between the two.³ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.⁴ 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 must be from a qualified physician who, on the basis of a complete and accurate factual and

¹ *Barbara J. Williams*, 40 ECAB 649 (1989); *James A. Long*, 40 ECAB 538 (1989).

² *Id.*

³ *Id.*

⁴ *See Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959).

medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.⁵

In the instant case, the only relevant evidence submitted by appellant linking his disability to his accepted employment injury is the July 16, 1996 report by Dr. Phillips. In his report, Dr. Phillips opined that appellant's back problems are related to his accepted employment injury. The Board finds that Dr. Phillips' report is insufficient to support appellant's burden to establish a causal relation between his claimed condition and his employment injury. Although Dr. Phillips opined that appellant's medical condition was causally related to his employment injury, this report is not sufficient to meet appellant's burden as no rationalized medical opinion was submitted to support his medical conclusion. The Board has held that an opinion on causal relationship, which consists only of a conclusion without supporting rationale is insufficient to establish causal relationship.⁶ An award of compensation may not be based on surmise, conjecture or speculation or upon appellant's belief that there is a causal relationship, appellant must submit a physician's report, in which the physician reviews the factors of employment identified by appellant as causing his condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant's medical history, states whether these employment factors caused or aggravated appellant's diagnosed conditions and present medical rationale in support of this opinion. Dr. Phillips report lacked any rationalized medical opinion explaining the basis for finding a causal relationship between appellant's condition and the employment injury. Appellant failed to submit such evidence and, therefore, failed to discharge his burden of proof.⁷

⁵ *Louise G. Malloy*, 45 ECAB 613 (1994); *Lourdes Davila*, 45 ECAB 139 (1989); *Robert H. St. Onge*, 43 ECAB 169 (1992).

⁶ *See Michael Stockert*, 39 ECAB 1186 (1988).

⁷ *Donald W. Long*, 41 ECAB 142, 146-47 (1989).

The decisions of the Office of Workers' Compensation Programs dated June 6 and December 10, 1996 are affirmed.

Dated, Washington, D.C.
November 6, 1998

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member