

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JANICE LONG-HILL and U.S. POSTAL SERVICE,
BULK MAIL CENTER, Detroit, Mich.

*Docket No. 97-970; Submitted on the Record;
Issued November 16, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant sustained a cervical spine condition in the performance of duty.

Appellant filed a claim for left cervical radiculopathy, which she attributed to repetitive motion of moving parcels while keying. The Office of Workers' Compensation Programs denied this claim by decision dated December 11, 1995. After a hearing held on September 23, 1996, in a decision dated December 4, 1996, an Office hearing representative affirmed the Office's December 11, 1995 decision.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused or adversely affected by her employment. As part of this burden she must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.¹ The question of whether a causal relationship exists is medical in nature, and can be established only by medical evidence.²

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

Appellant submitted several reports from Kenneth J. Ruemenapp, a physician's assistant. These reports, however, cannot be considered competent medical evidence and have no

¹ *Froilan Negron Marrero*, 33 ECAB 796 (1982).

² *Ausberto Guzman*, 25 ECAB 362 (1974).

probative value to establish appellant's claim, as a physician's assistant is not considered a "physician" within the meaning of the Federal Employees' Compensation Act.³ The only competent medical evidence appellant submitted was a report dated October 23, 1996 from Dr. Asim Mahmood, a Board-certified neurosurgeon, who stated:

"Her diagnosis is that of left-sided cervical radiculopathy due to disc herniation and degenerative cervical spine disease. Any physical work which requires lifting and carrying weights can initiate or exacerbate such conditions. It is possible that her job could have caused or aggravated her cervical radiculopathy."

This report is insufficient to meet appellant's burden of proof, as a physician's statement that there is a possible causal relationship is speculative and equivocal and has little probative value in establishing a claim.⁴ In addition, it is based upon an inaccurate history of lifting and carrying weights, which is not the employment activity to which appellant attributed her condition.⁵

The decision of the Office of Workers' Compensation Programs dated December 4, 1996 is affirmed.

Dated, Washington, D.C.
November 16, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member

³ *Robert J. Krstyen*, 44 ECAB 227 (1992); *Guadalupe Julia Sandoval*, 30 ECAB 1491 (1979).

⁴ *Charles A. Massenzo*, 30 ECAB 844 (1979).

⁵ Medical reports based on an inaccurate history are of little probative value and insufficient to meet a claimant's burden of proof. *Peter Seaman*, 34 ECAB 1735 (1983).