

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLOTTE L. MARSHALL and U.S. POSTAL SERVICE,
POST OFFICE, Houston, TX

*Docket No. 00-49; Submitted on the Record;
Issued January 22, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether the Office of Workers' Compensation Programs properly terminated appellant's compensation effective July 8, 1999.

The Office accepted that appellant sustained a cervical strain in a July 26, 1994 automobile accident sustained in the performance of duty as a letter carrier. She stopped work on July 27, 1994 and returned to work on August 3, 1994, performing light duty. On October 5, 1995 the employing establishment offered and appellant accepted a permanent limited-duty position as a part-time flexible modified distribution clerk, with a tour of duty from 6:30 a.m. to 3:00 p.m., Monday through Friday. Her limitations were listed as intermittent lifting no more than 20 pounds, intermittent overhead reaching and no twisting. Appellant's duties were listed as "answer the telephones, handle customer complaints, handle local purchasing, maintain record keeping and order supplies. "You will also prepare correspondence, operate the computer, file, deliver express mail and perform other assigned duties within limitations." Appellant began working in this position on October 14, 1995. In January 1998, the employing establishment converted appellant's limited-duty position from part-time flexible to full time and changed her hours to 9:00 a.m. to 6:00 p.m. and her nonscheduled days to Thursday and Sunday.

On June 15, 1998 appellant stopped work; she used paid leave from that date through June 19, 1998 and filed a claim for compensation beginning June 20, 1998. On April 2, 1999 the employing establishment advised appellant that her permanent limited-duty assignment was still available and she returned to work on April 10, 1999.

On May 26, 1999 the Office issued a notice of proposed termination of compensation. By decision dated July 8, 1999, the Office terminated appellant's compensation on the basis that

her cervical strain had resolved and her continuing cervical spine complaints were not causally related to her July 26, 1994 employment injury.¹

The Board finds that the Office properly terminated appellant's compensation effective July 8, 1999.

The Office's July 8, 1999 decision found that the cervical strain the Office accepted as related to appellant's July 26, 1994 employment injury had resolved and that her continuing cervical complaints and emotional condition were not related to that injury. The medical evidence supports these findings.

In a report dated April 15, 1999, Dr. Ralph Mancini, a Board-certified physiatrist to whom the Office referred appellant for a second opinion evaluation, concluded that "the cervical strain, itself, has long resolved." He also concluded that appellant had a myofascial pain syndrome as a residual of her resolved cervical strain, but that, at the time of his examination, appellant was not disabled from her modified distribution clerk position. Dr. Mancini also concluded that appellant did not need further medical treatment, stating that she "has received all reasonable interventions. She has received injections of various types, exercises in modalities and relaxation training. I think what she needs is reassurance and getting on with her career." As appellant's disability for work ended when she returned to work on April 10, 1999, the only benefit under the Federal Employees' Compensation Act that the Office terminated by its July 8, 1999 was appellant's entitlement to medical treatment at the Office's expense. Dr. Mancini's report establishes that appellant does not need further treatment related to her July 26, 1994 employment injury.

Although appellant's attending physician, Dr. Pawan Grover, a Board-certified anesthesiologist, treated appellant on April 6, 1999, nine days before Dr. Mancini examined her, with a steroid facet injection, his reports do not establish this treatment was for residuals of her July 26, 1994 employment injury. Dr. Grover's reports instead indicate that appellant's continuing treatment was primarily for the effects of a stressful work environment, which he stated in a January 13, 1999 report had increased her pain syndrome.² Similarly, in a June 23, 1998 report, Dr. Grover stated that appellant was "getting progressively worse due to the stress at her job. It is causing her pain to increase to the point of causing several trigger points in her neck and shoulder. It is not advisable to continue giving injections to relieve the trigger points." While these reports lend support to appellant's contention that stress in her job aggravated her condition, this was not the issue decided by the Office in its July 8, 1999 decision. The Office only decided that the residuals of appellant's July 26, 1994 employment injury had resolved and that appellant did not have an emotional condition related to that injury.

¹ Although the Office's July 8, 1999 decision noted that appellant had "filed a claim for lost wages beginning June 20, 1998, the decision does not decide whether appellant is entitled to compensation during her absence from work from June 20, 1998 to April 10, 1999. As the Board's jurisdiction is limited by 20 C.F.R. § 501.2(c) to review of "the final decision of the Office," the Board does not have jurisdiction to determine whether appellant is entitled to compensation from June 20, 1998 to April 10, 1999.

² Dr. Grover also stated in two reports that the weather had aggravated appellant's pain.

The medical evidence supports both findings. In a report dated April 26, 1999, Dr. Theodore Pearlman, a Board-certified psychiatrist, stated, “The conclusion is compelling that symptoms of a relatively minor soft tissue injury subsequently became a focus of pain behavior because [appellant] was experiencing stressful job interpersonal relationships.” He concluded that appellant’s psychiatric diagnosis was “pain disorder with psychological factors, secondary to relational problems and not due to the July 26, 1994 injury.” The Office’s finding that appellant does not have an emotional condition causally related to her July 26, 1994 employment injury was proper.³

The decision of the Office of Workers’ Compensation Programs dated July 8, 1999 is affirmed.

Dated, Washington, DC
January 22, 2001

Michael J. Walsh
Chairman

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member

³ Again, the Board notes that the Office’s July 8, 1999 decision did not decide whether appellant has any condition related to factors of her employment encountered after her return to limited duty following her July 26, 1994 employment injury and that the Board therefore cannot issue a decision on this issue.