U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ELAINE D. BEAUDION and U.S. POSTAL SERVICE,
POST OFFICE, Portland, Maine

*Docket No. 97-705; Submitted on the Record;*
*Issued December 7, 1998*

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DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury in the performance of duty prior to September 9, 1996.

On September 9, 1996 appellant, then a 42-year-old letter carrier, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging an employment-related injury to her wrist prior to September 9, 1996. Appellant stated that this was the "second time [a] ganglion cyst occurred on [her] opposite wrist [right];" that she "realized casing has to have caused and aggravated my wrists;" and that her occupational therapy doctor also stated that "repetitive motion caused [appellant's] wrists problems." Appellant went on to say, that her wrists constantly hurts, that she can[not] lift anything heavy or push anything without causing pain, and a pulling in her arm.[1] On the reverse side of the form, the employing establishment indicated that its knowledge of the claimed injury or exposure was in agreement with the statements made by appellant.

In a September 17, 1996 letter, the Office of Workers' Compensation Programs advised appellant of the type of factual and medical evidence needed to establish her claim and requested that she submit such evidence. The Office specifically requested that appellant submit a physician's comprehensive medical report which included: a clear and complete history of injury, a specific diagnosis, any preexisting or underlying condition, objective findings and results of examinations and tests, a reasoned opinion on the relationship of the diagnosed condition to specific factors of appellant's employment as distinguished from any nonwork related factor or preexisting condition. Appellant was allotted 30 days within which to submit the requested evidence.

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[1] The record contains several notices of traumatic injury and claim for continuation of pay/compensation (Form CA-1) which was filed by appellant on separate occasions. These claims contain the Office's claim numbers, A1-329336 and A1-332196, and was not addressed by the Office in its November 8, 1996 decision. The Board, therefore, will not address these claims in this decision.

By letter dated October 4, 1996, appellant responded to the Office's September 17, 1996 letter and submitted medical evidence dated May 3, August 22, 23, 28 and September 8, 1995.

In a decision dated November 8, 1996, the Office denied appellant's claim for compensation benefits on the grounds that the evidence of record failed to support the fact of injury in this case. In an accompanying memorandum, the Office found that there was insufficient evidence of file regarding whether or not the claimed events, incident, or exposure occurred at the time, place and in the manner alleged. The Office also found that a medical condition resulting from the alleged work incidents is not supported by the evidence of file. In addition, the Office noted that appellant was advised of the deficiency in her claim on September 17, 1996, and afforded an opportunity to provide supportive evidence; however, evidence sufficient enough to establish that appellant sustained an injury in the performance of duty prior to September 9, 1996, had not been submitted.

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty prior to September 9, 1996, as alleged.

An employee seeking benefits under the Federal Employees' Compensation Act[2] has the burden of establishing the essential elements of his or her claim, including the fact that an injury was sustained in the performance of duty as alleged, and that any disability and/or specific condition for which compensation is claimed is causally related to the employment injury.[3] To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.[4] The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence. 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 of the physician must be based on a complete factual and medical background of the claimant,[5] must be one of reasonable medical certainty,[6] and must be supported by medical

[2] 5 U.S.C. §§ 8101-8193.

[3] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

[4] *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

[5] *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

[6] *See Morris Scanlon*, 11 ECAB 384-85 (1960).

rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.[7]

In the present case, it is not disputed that appellant has a wrist condition, but the Office found that there was insufficient evidence in the file regarding whether or not the claimed events, incident or exposure occurred at the time, place and in the manner alleged. The Board also notes that it is not disputed that appellant's job required her to case mail on a repetitive basis in performing her duties. Appellant has consistently stated that there was a right wrist condition which was caused or aggravated by her federal employment because of casing mail on a repetitive basis. Consequently, the Board finds that the employment events, incident or exposure occurred at the time, place and in the manner alleged by appellant.[8]

Appellant, however, has submitted no medical evidence establishing that the diagnosed wrist condition is a result of the accepted employment exposure, or that the diagnosed wrist condition is causally related to any employment factors or conditions. None of the medical evidence submitted presented a detail description of appellant employment duties; provided a history of injury, a diagnosis, or a physician's reasoned medical opinion attributing appellant's complaints to a right wrist condition sustained at work because of repetitive casing of mail. For example the physicians of record did not provide medical reasoning explaining how or why the casing of mail on a repetitive basis caused or aggravated a specific medical condition or disability. The physicians of record did not address the cause of appellant's current diagnosed wrist condition.[9] Furthermore, as indicated by the Office in its November 8, 1996 decision, appellant did not submit any medical evidence relating to her September 9, 1996 occupational claim; and that the medical evidence submitted only related to a prior work injury which was already on file.[10] Consequently, the evidence of record failed to establish fact of injury, and is therefore, insufficient to establish that appellant sustained an injury in the performance of duty prior to September 9, 1996, as alleged.[11]

An award of compensation may not be based on surmise, conjecture or speculation, or appellant's belief of causal relationship. The mere fact that a disease or condition manifests itself or worsens during a period of employment or that work activities produce symptoms revelatory of an underlying condition[12] does not raise an inference of causal relationship between

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[7] *See William E. Enright*, 31 ECAB 426, 430 (1980).

[8] *See Robert A. Gregory*, 40 ECAB 478 (1989); *Thelma S. Buffington*, 34 ECAB 104 (1982).

[9] *Charles H. Tomaszewski*, 39 ECAB 461 (1988) (finding that medical evidence which does no offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship); *see also George Randolph Taylor*, 6 ECAB 986 (1954) (where the Board found that a medical opinion not fortified by medical rationale is of little probative value).

[10] *See supra* note 1.

[11] *See Robert J. Krstyen*, 44 ECAB 227 (1992) (finding that appellant failed to submit sufficient medical evidence to establish that specific work factors caused or aggravated his back condition).

[12] *Richard B. Cissel*, 32 ECAB 1910, 1917 (1981).

the condition and the employment factors. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship. Causal relationship must be established by rationalized medical opinion evidence.[13] As appellant has not submitted rationalized medical evidence explaining how and why her current diagnosed wrist condition was caused or aggravated by her federal employment, the Office properly denied appellant's claim for compensation.

The decision of the Office of Workers' Compensation Programs dated November 8, 1996 is affirmed.

Dated, Washington, D.C.
December 7, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

[13] *Victor J. Woodhams*, *supra* note 4.