

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANASTACIO R. BARTOLOME and U.S. POSTAL SERVICE,
HOUSTON MANAGEMENT SECTION CENTER, Houston TX

*Docket No. 99-490; Submitted on the Record;
Issued April 21, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that he sustained an injury causally related to an employment incident.

On May 6, 1998 appellant filed a traumatic injury and claim for continuation of pay/compensation (Form CA-1), alleging that the injury to his wrist sustained on May 2, 1998 was employment related. Appellant stated that the injury occurred in the parking lot of the Ashford West Post Office after he lifted a heavy tray of flats. Appellant initially submitted an attending physician's report, given by Dr. Gene Yee, a general practitioner in occupational medicine, who noted that appellant suffered from de Quervain's tenosynovitis of the right wrist. By letter dated June 30, 1998, the Office of Workers' Compensation Programs informed appellant that his claim was insufficient to establish that the injury occurred as alleged, it further noted the information necessary to make a finding, and attached specific questions to be completed and returned. The Office allotted appellant 20 days to submit the requisite medical evidence. On July 21, 1998 the Office received additional medical reports, a physical therapist outpatient reassessment and answers to the questions forwarded to appellant by the Office on June 30, 1998.¹ This evidence indicated for a second time that Dr. Yee diagnosed appellant with de Quervain's tenosynovitis of the right wrist; however, the reports did not explain that his condition was causally related to the May 2, 1998 incident. By decision dated July 27, 1998, the Office accepted that the claimed event occurred as alleged but denied appellant's claim on the grounds that the medical evidence did not indicate whether his condition was causally related to the above employment incident.

¹ In the June 30, 1998 letter, the Office allotted appellant 20 days to provide supportive evidence regarding the cause of his injury and indicated that if the information was not received within 20 days from the date of its letter, appellant's claim would be denied. The Office received the additional evidence from appellant on July 21, 1998, 21 days after the June 30, 1998 letter, but it did not deny the claim on that basis.

The Board has duly reviewed the case record on appeal and finds that appellant failed to meet his burden of proof in establishing that he sustained an injury causally related to the employment incident.

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an "employee of the United States within the meaning of the Act," that the claim was filed within the applicable time limitation of the Act, 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 are causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.³ In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components which must be considered in conjunction with one another. In this case, the Office accepted that the first component, the employment incident, occurred as alleged.⁴ The second component is whether the employment incident caused a personal injury and this generally can only be established by medical evidence. Causal relationship is a medical issue⁵ and the medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁶ must be one of reasonable medical certainty,⁷ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁸

There is no dispute that appellant established that on May 2, 1998 he was on the premises of the employing establishment during working hours and was performing the duties of his position when he lifted the tray of flats. Appellant failed however to establish that a causal relationship existed between the incident and the claimed condition or disability. Because appellant did not submit an affirmative opinion from a physician who supports his conclusion with sound medical reasoning, the Board will affirm the denial of appellant's claim for compensation.

² *Mary J. Briggs*, 37 ECAB 578 (1986).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁷ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁸ *See William E. Enright*, 31 ECAB 426, 430 (1980).

The July 27, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
April 21, 2000

George E. Rivers
Member

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member