

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of YVONNE M. HILL and U.S. POSTAL SERVICE,
POST OFFICE, Cincinnati, OH

*Docket No. 99-1790; Submitted on the Record;
Issued September 1, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant sustained an injury in the performance of duty, as alleged.

The Board has duly reviewed the case record and finds that appellant has failed to establish that she sustained an injury in the performance of duty, as alleged.

To establish that an injury was sustained in the performance of duty, an appellant must submit the following: (1) medical evidence establishing the presence or existence of the condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the 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 claimant. The medical evidence required to establish causal relationship, generally, is rationalized medical 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 appellant'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, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by appellant.¹

On October 26, 1998 appellant, then a 49-year-old mailhandler, filed an occupational disease claim, Form CA-2, alleging that she sustained tendinitis in her right ankle from working 8 to 10 hours a day for 6 days a week. She stopped working October 15, 1998 and returned to work on October 26, 1998.

A disability note dated October 19, 1998 stated that appellant required rest for one week and could return to work on October 26, 1998. Another disability note dated October 22, 1998

¹ See Victor J. Woodhams, 41 ECAB 345, 352 (1989).

stated that appellant could return to light duty on October 26, 1998 but could not stand or walk for more than four hours for three weeks.

By letter dated February 9, 1999, the Office of Workers' Compensation Programs requested additional information from appellant including a medical report from her treating physician as to how her employment contributed to her condition.

In an undated statement received by the Office on July 25, 1999, appellant stated that her work as a mailhandler involved heavy lifting, pulling, pushing, bending, walking and stooping. She stated she was in "perfect condition" when she started working for the employing establishment, but the prolonged walking, standing and lifting affected her ankles. Appellant stated that she developed tendinitis in her left ankle and her ankle felt better when she did not work overtime. She stated that the prolonged walking, standing, lifting and bending aggravated her condition.

By decision dated March 31, 1999, the Office denied the claim, stating that she did not establish that she sustained an injury as alleged.

In the present case, appellant did not submit any medical evidence attributing the condition of her left ankle to her work conditions. The disability notes dated October 19 and 22, 1998 establish that appellant was disabled but contain no diagnosis of her condition or an opinion on the cause of her condition. They therefore are insufficient to establish appellant's claim. The Office advised appellant of the evidence that she must submit to establish her claim, but appellant did not submit the requisite evidence.

The decision of the Office of Workers' Compensation Programs dated March 31, 1999 is hereby affirmed.

Dated, Washington, D.C.
September 1, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member