

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of TED ANGELO, SR. and U.S. POSTAL SERVICE,
POST OFFICE, St. Louis, MO

*Docket No. 00-1208; Submitted on the Record;
Issued March 12, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant sustained an injury on May 10, 1999 causally related to factors of his federal employment.

The Board has duly reviewed the case record and finds that appellant has failed to establish that he sustained an injury on May 10, 1999 causally related to factors of his federal employment.

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.¹ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.² The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon complete factual and medical background, showing a causal relationship between the claimed condition and the identified factors.³ The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish a causal relationship.⁴

On May 11, 1999 appellant, then a 43-year-old letter carrier, filed a claim for a traumatic injury, Form CA-1, alleging that on May 10, 1999 he pulled something in his right leg while going up steps. Appellant stopped working as of May 12, 1999. Appellant submitted medical

¹ *Robert J. Krstynen*, 44 ECAB 227, 229 (1992); *John J. Carlone*, 41 ECAB 354, 356-57 (1989).

² *Id.*

³ *Lourdes Harris*, 45 ECAB 545 (1994); *see Walter D. Morehead*, 31 ECAB 188 (1979).

⁴ *Manuel Garcia*, 37 ECAB 767 (1986).

evidence to support his claim which included the results of a May 11, 1999 abdominal aortogram which showed segmental occlusion at the distal aspect of the right superficial femoral artery with well-developed collateral flow in the area and plaque formation at the distal abdominal aorta, right and left common iliac, right internal and external iliac and the right popliteal. In a report dated May 17, 1999, appellant's treating physician, Dr. Thomas E. Niesen, a Board-certified surgeon with a specialty in general vascular surgery, considered appellant's history of injury, performed a physical examination and reviewed the arteriogram. He diagnosed claudication which would prevent appellant from performing his job unless he underwent some kind of surgery.

By letter dated May 27, 1999, the Office of Workers' Compensation Programs informed appellant that additional evidence was necessary to establish his claim, including a narrative report from his treating physician addressing the relationship of his disability to the May 10, 1999 injury. The Office obtained a medical report from Dr. Philip J. Shanahan, a family practitioner, dated May 14, 1999, in which Dr. Shanahan stated that claudication is a sign of arterial obstruction. He stated that the main cause of claudication is atherosclerotic narrowing of the arteries supplying the lower extremities, and that the condition was not caused by sprains, strains or injuries described by appellant on his Form CA-1. Dr. Shanahan stated that appellant might well have strained a muscle or tendon but the onset of his symptoms was coincidental with his going up the steps.

In an attending physician's report, Form CA-20, dated June 9, 1999, Dr. Niesen diagnosed right femoral artery occlusion and stated under No. 8 as to whether the condition was caused or aggravated by appellant's employment activity, that "walking caused pain in calf (claudication)."

By decision dated June 30, 1999, the Office denied the claim, stating that appellant did not meet the requirements for establishing that his condition was caused by an employment factor.

By letter dated July 8, 1999, appellant requested reconsideration of the Office's decision and submitted a medical report from Dr. Niesen dated July 12, 1999. In his July 12, 1999 medical report, Dr. Niesen noted appellant's history of injury and stated that, when he first treated appellant on May 17, 1999, he believed that appellant's symptoms were consistent with an acute occlusion of his right superficial femoral artery. He stated that on May 27, 1999 appellant underwent a right femoropopliteal bypass which was successful in restoring blood flow to his lower leg and clinically returning the pulses to his foot. Dr. Niesen stated that appellant had not yet recovered from his surgery. He opined that the acute thrombosis of appellant's right superficial femoral artery occurred while he was on the job and that it was "clear that there was likely a long-standing stenosis which had developed with time prior to the acute thrombosis which occurred in May." In a disability note dated August 4, 1999, Dr. Niesen stated that appellant could return to work on August 30, 1999.

By decision dated October 1, 1999, the Office denied appellant's request for modification.

In the present case, the medical evidence appellant submitted is insufficient to establish that his leg condition or claudication resulted from his work activities on the May 10, 1999. In his June 9, 1999 attending physician's report, appellant's treating physician, Dr. Niesen, indicated that appellant's femoral artery occlusion was caused by his walking at work. In his July 12, 1999 report, Dr. Niesen opined that appellant's acute thrombosis of his right superficial femoral artery occurred while he was on the job but appellant most likely had a long-standing stenosis which developed prior to the May 10, 1999 employment injury. Dr. Niesen, however, did not provide medical rationale explaining how appellant's action of walking up the steps at work resulted in his claudication or acute thrombosis. A rationalized medical explanation is particularly necessary where, as here, Dr. Shanahan stated in his May 14, 1999 report that claudication is not caused by traumatic injuries. The Board has held that a medical report not fortified by medical rationale is of little probative value.⁵ The Office informed appellant of the evidence necessary to establish his claim but did not submit evidence responsive to the request. Appellant therefore failed to establish his claim.

The decisions of the Office of Workers' Compensation Programs dated October 1 and June 30, 1999 are hereby affirmed.

Dated, Washington, DC
March 12, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Member

⁵ *Ronald C. Hand*, 49 ECAB 113, 177 (1997).