

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JUDY W. WYATT and NATIONAL ARCHIVES & RECORDS
ADMINISTRATION, SOUTHEAST REGION, East Point, GA

*Docket No. 00-1510; Submitted on the Record;
Issued November 9, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an occupational disease while in the performance of duty.

On December 21, 1999 appellant, then a 55-year-old archives technician, filed a claim alleging that "repetitive motion and lifting of heavy books caused severe pain" in her wrists.

In support of her claim, appellant submitted a November 17, 1999 medical prescription for physical therapy for bilateral thumb pain, several physical therapist reports dated November 17 to 29, 1999 and a December 1, 1999 report from Dr. Robin Armenia-Cope, an osteopath. In her report, Dr. Armenia-Cope stated that appellant had "bilateral thumb pain, improving."

By decision dated February 16, 2000, the Office of Workers' Compensation Programs denied the claim on the basis that appellant had failed to establish that she sustained an injury in the performance of duty.

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 was causally related to the employment factors identified by the claimant.¹

¹ *Ruth Seuell*, 48 ECAB 188 (1996).

The medical evidence required to establish a causal relationship generally is rationalized medical opinion evidence. Rationalized medical opinion evidence because 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, 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 factors identified by the claimant.²

In this case, appellant's evidence included physical therapy reports which are not considered to be probative medical evidence because physical therapists are not physicians under the Federal Employees' Compensation Act.³ Further, Dr. Armenia-Cope diagnosed bilateral wrist pain which is not an objective compensable diagnosis.⁴ Moreover, no medical reasoning or connection between appellant's employment and the diagnosis of pain was discussed. Due to these deficiencies, Dr. Armenia-Cope's report is of diminished probative value and is insufficient to establish appellant's claim of injury.⁵

Consequently, as appellant has not submitted rationalized medical evidence explaining how and why her bilateral wrist condition was caused by her federal employment, the Office properly denied appellant's claim for compensation.⁶

² *Victor Woodhams*, 41 ECAB 345 (1989).

³ As a physical therapist is not a physician for the purposes of the Act, these reports do not constitute medical evidence and are insufficient to establish appellant's claim. See *Jane A. White*, 34 ECAB 515 (1983); *Jennifer L. Sharp*, 48 ECAB 209 (1996).

⁴ See *John L. Clark*, 32 ECAB 1618 (1981); *Huie Lee Goad*, 1 ECAB 180 (1948).

⁵ *Vicky Hannis*, 48 ECAB 538 (1997).

⁶ The Board notes that this case record contains evidence which was submitted subsequent to the Office's February 16, 2000 decision. The Board has no jurisdiction to review this evidence for the first time on appeal. See 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35, 36 n. 2 (1952).

The February 16, 2000 decision of the Office of Workers' Compensation Programs is affirmed.⁷

Dated, Washington, DC
November 9, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

⁷ The Board notes that appellant in her appeal requested a review of the written record. If appellant wishes to present additional evidence before the Office, she may file with the Office a petition for reconsideration pursuant to 5 U.S.C. § 8128.