

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DARREN R. SANTIAGO and U.S. POSTAL SERVICE,
POST OFFICE, New Orleans, LA

*Docket No. 01-570; Submitted on the Record;
Issued September 19, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant's claimed conditions are causally related to factors of his federal employment.

On October 20, 1999 appellant, then a 39-year-old mail processor, filed an occupational disease claim alleging that his job duties since September 13, 1990, which include standing, walking, pushing, bending, lifting, and stretching, caused him to develop and aggravate arthritis in his feet, knees and back.

By letter dated November 10, 1999, the employing establishment controverted appellant's claim. They advised that, according to the medical records, appellant had a bilateral foot fracture in 1981 while playing basketball, had another nonwork-related foot fracture in 1986, and was involved in a motor vehicle accident in July or August 1996. The employing establishment indicated that appellant had been on light duty, which included sedentary work, since 1987 and had been accommodated since 1997 with rest breaks for his chronic back pain.

By decision dated January 5, 2000, the Office of Workers' Compensation Programs denied the claim on the grounds that the medical evidence was insufficient to establish that appellant's claimed conditions were causally related to factors of his federal employment. Appellant requested a review of the written record. By decision dated May 1, 2000 and finalized May 8, 2000, an Office hearing representative found that appellant did not sustain an injury in the performance of his federal duties. By decision dated December 4, 2000, the Office denied modification of its prior decision, finding that the medical evidence appellant submitted on reconsideration was of diminished probative value.

The Board finds that appellant has not established that his medical conditions were causally related to factors of his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of 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 are causally related to the employment injury.²

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.³ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.⁴

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 rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁷ The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁸

In this case, appellant has not submitted any medical evidence demonstrating that the aggravation, acceleration or precipitation of his medical conditions resulted from performing work-related activities. Although numerous treatment notes and disability slips indicated that

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁴ The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may be dispensed with to establish a claim; *see Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not a case of obvious causal connection.

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

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

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

⁸ *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

appellant has problems with back, foot and knee pain, none of the evidence addresses the question of whether these problems are causally related to appellant's work-related activities.

In a February 22, 1999 report, Dr. R. Joseph Tamimie, who is Board-certified in preventative medicine, indicated that appellant's low back complaints were due to a 1996 motor vehicle accident. He added that appellant would experience intermittent episodes of low back pain not related to any particular activity at home or at work. Dr. Tamimie did not discuss causal relation or any of appellant's specific work factors to indicate that appellant has a work-related condition.

In an October 9, 2000 note, Dr. Roy R. Marrero, an orthopedic surgeon, stated that appellant was currently under his care for degenerative disc disease of the lumbar spine as well as degenerative joint disease of both knees. Although Dr. Marrero stated that appellant's back and knee conditions "appear to be aggravated" by the work appellant does, there is no indication that Dr. Marrero is aware of appellant's work duties or medical history regarding his back, feet and knees. Medical opinions which are based on an incomplete or inaccurate factual background are entitled to little probative value in establishing a claim for compensation benefits.⁹ Moreover, Dr. Marrero's opinion that appellant's employment duties "appear to aggravate" appellant's back and knee conditions is couched in speculative terms and is thus insufficient to establish causal relationship.¹⁰

As appellant has not submitted rationalized medical evidence to substantiate that his medical conditions are due to or aggravated by factors of his federal employment, he has not met his burden of proof.

⁹ *Daniel J. Overfield*, 42 ECAB 718 (1991).

¹⁰ *Jennifer L. Sharp*, 48 ECAB 209 (1996).

The decisions of the Office of Workers' Compensation Programs dated December 4, May 8 and January 5, 2000 are affirmed.

Dated, Washington, DC
September 19, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member