

**United States Department of Labor  
Employees' Compensation Appeals Board**

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**GEORGE LYNCH, Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Philadelphia, PA Employer**

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**Docket No. 04-110  
Issued: February 12, 2004**

*Appearances:*  
*George Lynch, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record,*

**DECISION AND ORDER**

Before:

COLLEEN DUFFY KIKO, Member  
DAVID S. GERSON, Alternate Member  
A. PETER KANJORSKI, Alternate Member

**JURISDICTION**

On October 20, 2003 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated September 18, 2003. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue on appeal is whether appellant met his burden of proof to establish that his medical condition was caused or aggravated by factors of his federal employment.

**FACTUAL HISTORY**

On March 28, 2003 appellant, then a 53-year-old maintenance mechanic, filed an occupational disease claim alleging that he developed pain in both hips while riding on a forklift in the performance of his duties which required a hip replacement as recommended by his physician. He indicated that he first became aware of his condition on March 3, 2003.

In support of his claim, appellant submitted a personal statement dated March 26, 2003 in which he discussed his work duties with the employing establishment since 1977 which at times

required use of a forklift that he believed was too small and confining for his tall frame. He also discussed that his work duties sometimes affected his knees, hips and back and that in February 2003 he was informed during a medical appointment that he had developed a bad hip problem. Appellant further submitted an x-ray report dated March 21, 2003 which revealed moderate degenerative arthritis in the right hip which had progressed since a previous 2001 examination and similar abnormality in the left hip.

By letter dated June 10, 2003, the Office informed appellant of the type of evidence needed to support his claim and requested that he submit such evidence within 30 days. Appellant submitted a personal statement dated June 18, 2003 which he further discussed his years of work on a forklift, the origin of his hip pain in 2001 and the progression of his hip condition which he believed led to arthritis and the need for hip replacement.

In a decision dated September 18, 2003, the Office denied appellant' claim on the grounds that the medical evidence of record failed to establish that his claimed medical condition was caused or aggravated by factors of his employment.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing that 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 timely filed within the applicable time limitation period 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.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his condition was caused by his employment. As part of this burden he must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation.<sup>4</sup>

### **ANALYSIS**

In the present case, appellant has submitted insufficient medical evidence to establish that his bilateral hip condition was caused or aggravated by factors of his federal employment. The only medical evidence of record, an x-ray report which revealed arthritis of the hips bilaterally, fails to provide a discussion of how appellant's federal duties would have caused or contributed to his medical condition. The Office informed appellant of the deficiencies in the medical

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>4</sup> *Arlonia B. Taylor*, 44 ECAB 591, 595 (1993).

evidence and what was needed to establish his claim in a letter dated June 10, 2003. While appellant submitted a statement dated June 18, 2003 further discussing his hip pain and work on a forklift, the requisite evidence needed to establish the claim was a medical report from his physician that explained how his federal employment contributed to his bilateral hip condition.

While appellant believed that his work environment contributed to his bilateral hip condition, the record contains insufficient medical opinion explaining how specific work factors caused and/or aggravated appellant's condition. In this regard, the Board has held that 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.<sup>5</sup> Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>6</sup> Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

As there is no probative, rationalized medical evidence addressing and explaining why appellant's medical condition was caused and/or aggravated by factors of his employment, appellant has not met his burden of proof in establishing that he sustained a medical condition in the performance of duty causally related to factors of employment. The Board, therefore, affirms the Office's finding that appellant did not sustain a compensable injury.

### **CONCLUSION**

The Board finds that appellant failed to meet his burden of proof to establish that his claimed medical condition was caused or aggravated in the performance of duty.

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<sup>5</sup> See *Joe T. Williams*, 44 ECAB 518, 521 (1993).

<sup>6</sup> *Id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated September 18, 2003 is affirmed.

Issued: February 12, 2004  
Washington, DC

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

A. Peter Kanjorski  
Alternate Member