

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

SHEILA D. ROSS, Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Nashville, TN, Employer**

)
)
)
)
)
)
)
)
)
)
)
)

**Docket No. 05-678
Issued: June 2, 2005**

Appearances:
Sheila D. Ross, 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
MICHAEL E. GROOM, Alternate Member

JURISDICTION

On January 25, 2005 appellant filed a timely appeal of a December 3, 2004 decision of the Office of Workers' Compensation Programs, denying her claim for compensation. 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 is whether appellant has established a right elbow condition causally related to her federal employment.

FACTUAL HISTORY

On August 26, 2004 appellant, then a 46-year-old mail processing clerk, filed an occupational disease claim (Form CA-2) alleging that she sustained an injury in the right elbow area as a result of casing mail. Appellant indicated in an accompanying statement that on August 23, 2004 she felt tightness and swelling in the right elbow. By letter dated September 15, 2004, the Office requested that appellant submit additional evidence regarding her claim. On September 29, 2004 she submitted a treatment note with a letterhead from Madison Family

Practice diagnosing right elbow pain-repetitive injury. The note was not signed or accompanied by signed medical evidence. On October 12, 2004 appellant submitted an October 4, 2004 treatment note from Dr. John Jordan, a family practitioner, who diagnosed right elbow pain and stated that appellant was wearing a splint on her arm.

By decision dated December 3, 2004, the Office denied the claim for compensation on the grounds that the medical evidence did not establish a diagnosed condition causally related to the identified employment factors.

LEGAL PRECEDENT

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 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.¹ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.² Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.³

ANALYSIS

In the present case, the medical evidence of record is not sufficient to establish causal relationship between appellant's diagnosed right arm condition and employment activities as a mail processing clerk. Appellant submitted an August 25, 2004 treatment note that appeared to have been prepared for Dr. Jordan, but the note is not signed. It is well established that medical evidence lacking proper identification is of no probative medical value.⁴ In an October 4, 2004 treatment note, Dr. Jordan diagnosed right elbow pain without addressing the causal relationship issues presented.

There is no medical report containing an accurate history of injury, a diagnosis or a reasoned opinion on the causal relationship between the diagnosed condition and the identified employment factors. It is appellant's burden of proof to submit sufficient medical evidence and the Board finds that appellant did not meet her burden of proof in this case.

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

² *See Walter D. Morehead*, 31 ECAB 188 (1979).

³ *Manuel Garcia*, 37 ECAB 767 (1986).

⁴ *Thomas L. Agee*, 56 ECAB ____ (Docket No. 05-335, issued April 19, 1985); *Richard F. Williams*, 55 ECAB ____ (Docket No. 03-1176, issued February 23, 2004); *Merton J. Sills*, 39 ECAB 572 (1988).

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish a right elbow condition as employment related because she did not submit sufficient medical evidence on causal relationship between a diagnosed condition and her federal employment as a mail processing clerk.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 3, 2004 is affirmed.

Issued: June 2, 2005
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member