

On December 13, 2005 appellant, then a 42-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that the stress fractures to his right foot were the result of the standing and walking duties in his position. He first became aware of his condition on January 8, 2005 and that it was caused or aggravated by his employment activities on February 1, 2005.

The employing establishment indicated that appellant was last exposed to the conditions alleged to have caused his medical condition on April 12, 2005 and was working limited duties.

In a letter dated January 11, 2006, the Office advised appellant that additional evidence was needed to make a determination of whether he was eligible for benefits under the Federal Employees' Compensation Act. Appellant was instructed to provide factual information pertaining to his right foot condition and medical evidence, including a comprehensive medical report from a treating physician describing his symptoms, results of examinations and tests, diagnosis, the treatment provided and the doctor's opinion on the cause of his condition.

Appellant submitted a January 9, 2006 return to work/physical capacity form from a Dr. K. Tabor<sup>1</sup> who noted that appellant's condition was unchanged and that he could perform only sedentary work with no uneven surfaces.

By decision dated February 16, 2006, the Office denied the claim for compensation, finding that the medical evidence was insufficient to establish the causal relationship of appellant's right foot condition to his employment duties.

On February 16, 2006 appellant requested a review of the written record. He submitted a duplicative copy of his Form CA-2 and a June 5, 2006 return to work/physical capacity form from Dr. Tabor who diagnosed synostosis of the right foot and placed appellant on permanent sedentary work restrictions until his foot was surgically corrected.

By decision dated July 14, 2006, an Office hearing representative affirmed the denial of the claim for compensation.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Act<sup>2</sup> has the burden of establishing 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 filed within the applicable time limitation; that an injury was sustained while 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>3</sup> These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury and an occupational disease.<sup>4</sup>

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

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<sup>1</sup> The physician's credentials are not of record.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Caroline Thomas*, 51 ECAB 451 (2000); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>4</sup> *See Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999).

presence or existence of the disease or condition for which compensation is claimed;<sup>5</sup> (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;<sup>6</sup> and (3) medical evidence establishing 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.<sup>7</sup>

Generally, causal relationship may be established only by rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that 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.<sup>8</sup> The opinion of the physician must be based on a complete factual and medical background of the claimant,<sup>9</sup> must be one of reasonable medical certainty<sup>10</sup> explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>11</sup>

### ANALYSIS

Appellant submitted a claim for compensation alleging that his right foot condition was due to standing and walking as a letter carrier. The employing establishment did not dispute that appellant was engaged in such employment activities as a letter carrier and the Board finds that the evidence establishes that appellant's job required him to walk and stand as part of his job. The issue to be resolved is whether appellant's right foot condition resulted from these employment activities. In this case, the medical evidence is not sufficient to establish the claim.

Appellant submitted work restriction reports from Dr. Tabor dated January 9 and June 5, 2006. Dr. Tabor restricted appellant to sedentary work. The January 9, 2006 report contained no diagnosed medical condition. Although Dr. Tabor diagnosed synostosis of the right foot in his June 5, 2006 report, he did not address the issue of causal relationship. He failed to explain how appellant's job duties caused or aggravated his right foot condition. As Dr. Tabor's reports do not address the relevant issue of causal relationship, they are of diminished probative value.<sup>12</sup>

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<sup>5</sup> *Solomon Polen*, 51 ECAB 341 (2000).

<sup>6</sup> *Marlon Vera*, 54 ECAB 834 (2003); *Roger Williams*, 52 ECAB 468 (2001).

<sup>7</sup> *Ernest St. Pierre*, 51 ECAB 623 (2000).

<sup>8</sup> *Conrad Hightower*, 54 ECAB 796 (2003); *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>9</sup> *Tomas Martinez*, 54 ECAB 623 (2003); *Gary J. Watling*, 52 ECAB 278 (2001).

<sup>10</sup> *John W. Montoya*, 54 ECAB 306 (2003).

<sup>11</sup> *Judy C. Rogers*, 54 ECAB 693 (2003).

<sup>12</sup> See *Leslie C. Moore*, *supra* note 8.

Although the Office informed appellant of the necessity of submitting a well-rationalized medical opinion from his physician in its January 11, 2006 letter, he failed to do so. While appellant attributes his right foot condition to his work duties, the record contains insufficient medical opinion explaining how appellant's work caused or aggravated his right foot condition. 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>13</sup> Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the employment caused or aggravated his condition is sufficient to establish causal relationship.<sup>14</sup> Casual relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

Appellant has failed to submit rationalized medical evidence establishing that his right foot condition is causally related to factors of his federal employment. He has failed to meet his burden of proof. The Board finds that the Office properly denied his claim for benefits under the Act.

### **CONCLUSION**

Appellant has not met his burden of proof in establishing that his right foot condition is causally related to his federal employment.

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<sup>13</sup> *Nicollette R. Kelstrom*, 54 ECAB 570 (2003).

<sup>14</sup> *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated July 14, 2006 is affirmed.

Issued: January 30, 2007  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board