

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of TIVEN MATHEWS and U.S. POSTAL SERVICE,  
POST OFFICE, Wilmington, Calif.

*Docket No. 97-639; Submitted on the Record;  
Issued September 30, 1998*

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DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
WILLIE T.C. THOMAS

The issue is whether appellant established that her orthopedic condition is causally related to factors of federal employment.

The Board has duly reviewed the case record in the present appeal and finds that appellant failed to meet her burden of proof.

The facts in this case indicate that on June 30, 1995 appellant, then a 26-year-old letter carrier, filed an occupational disease claim, alleging that walking her route and casing mail caused bilateral bone spurs, and chronic back, hip and knee pain. The Office of Workers' Compensation Programs developed the case and, by decision dated August 14, 1996, found that appellant's orthopedic conditions were not employment related.

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 factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the 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 factors identified by the claimant. 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 the identified factors. The belief of appellant that the condition was caused or aggravated by the identified factors is not sufficient to establish causal relation.<sup>1</sup>

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<sup>1</sup> *Lourdes Harris*, 45 ECAB 545 (1994).

The relevant medical evidence includes<sup>2</sup> an August 8, 1995 report in which Dr. Susan Palmer, an osteopathic physician, diagnosed sacroiliac syndrome, somatic dysfunction, cervical thoracic strain and an anatomical left short leg. Regarding the cause of appellant's condition, she advised:

"As far as my opinion as to whether the disease or illness was caused or aggravated by employment, I cannot say it was caused by the employment, but it is very well possible that it is being aggravated by the employment position which she had, carrying heavy mailbags, which is the reason for the recommended change to light duty at work."

The Office referred appellant, along with a statement of accepted facts that included a job description, the medical record, and a set of questions to Dr. Francis J. Thornton, a Board-certified orthopedic surgeon. In a report dated April 24, 1996, Dr. Thornton diagnosed thoracic pain syndrome, lumbar pain syndrome, small calcaneal spurs and mild plantar fasciitis. Dr. Thornton concluded:

"I see no reason to attribute any of her complaints to the opportunity afforded her to work for the [employing establishment]. She expressed some dissatisfaction with her job, and since she only works two to four hours a day, it might be prudent and wise for her to seek other employment which is more suitable to her desires. If the [employing establishment] wishes to continue her employment and wishes to continue her on light duty, it would be, in my opinion, unrelated to any work injury or aggravation. [Appellant's] subjective complaints are in my opinion out of proportion to her objective findings. She takes nothing for pain and she states the pain persists despite vacations and long weekends."

In an attached work capacity evaluation, Dr. Thornton advised that appellant had no work injury.

In the present case, there is no dispute that appellant was a federal employee and that she timely filed a claim for compensation benefits. However, the medical evidence is insufficient to establish that she sustained an employment-related occupational disease because it does not contain a rationalized medical opinion explaining how her orthopedic conditions were caused or aggravated by employment factors. While appellant submitted reports from Dr. Palmer, an osteopathic physician, her opinion was couched in speculative terms and is, therefore, of decreased probative value.<sup>3</sup> The Board finds that the opinion of Dr. Thornton, who provided a second-opinion evaluation for the Office, constitutes the weight of the medical evidence. His report was based on a complete and accurate history, and he clearly explained why he believed that appellant had no employment-related orthopedic condition. Consequently, appellant did not

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<sup>2</sup> Appellant also submitted additional medical evidence documenting various orthopedic problems. None of these reports, however, discussed the cause of appellant's condition.

<sup>3</sup> See *Ern Reynolds*, 45 ECAB 690 (1994).

submit sufficient medical evidence to establish that her orthopedic conditions were causally related to factors of employment.<sup>4</sup>

The decision of the Office of Workers' Compensation Programs dated August 14, 1996 is hereby affirmed.

Dated, Washington, D.C.  
September 30, 1998

George E. Rivers  
Member

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

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<sup>4</sup> *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).