U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN R. KINTNER and U.S. POSTAL SERVICE,
POST OFFICE, Springfield, Ill.

Docket No. 96-887; Submitted on the Record;
Issued March 12, 1998

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained a left wrist injury on October 3, 1995 in the performance of his federal duties.

On October 9, 1995 appellant, then a 57-year-old letter carrier, filed a claim alleging that on October 3, 1995 he sustained a fracture of the left wrist while opening a can of soda. A witness stated that she and appellant were on a work break and that appellant had told her that his wrist had been bothering him and that it looked swollen. She stated that appellant then opened a soda can, grimaced in pain, and stated that his wrist had hurt before but never that bad.

In a report dated October 5, 1995, Dr. David W. Mack, a Board-certified orthopedic surgeon, related that appellant was opening a soda can on October 2, 1995 and experienced a pop in his wrist. He noted that x-rays revealed an old styloid fracture. Dr. Mack diagnosed an old injury of the styloid process, left ulna.

In a second report also dated October 5, 1995 but labeled "corrected copy," Dr. Mack submitted the same report he had previously dated October 5, 1995, with one change. He now stated a diagnosis of status post ulnar styloid fracture.

In a report dated October 12, 1995, Dr. Mack diagnosed an old injury of the styloid process of the left ulna and indicated by checking the block marked "yes" that the condition was causally related to the October 1995 incident when appellant opened a soda can.[1]

In a report dated December 12, 1995, Dr. Mack stated that appellant was 10 weeks status post subluxation of the left distal ulnar and fracture of the left ulnar styloid process.

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[1] In an October 17, 1995 report, Dr. Mack corrected the date of injury to October 3, 1995.

By decision dated December 4, 1995, the Office denied appellant's claim on the grounds that the evidence of record failed to demonstrate that appellant's claimed condition was causally related to the October 3, 1995 incident when he opened a can of soda.

The Board finds that appellant has failed to meet his burden of proof to establish that he sustained a left wrist injury on October 3, 1995 in the performance of duty causally related to factors of his federal employment.

An award of compensation may not be based on surmise, conjecture, speculation, or appellant's belief of causal relationship.[2] Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that he sustained an injury in the performance of duty and that his disability was caused or aggravated by his employment.[3] As part of this burden, a claimant must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relationship.[4] The mere manifestation of a condition during a period of employment does not raise an inference of causal relationship between the condition and the employment.[5] 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.[6]

In this case, appellant alleged that on October 3, 1995 he sustained a fractured left wrist while opening a can of soda. He submitted medical evidence in support of his claim.

In a report dated October 5, 1995, Dr. Mack, a Board-certified orthopedic surgeon, related that appellant was opening a soda can on October 2, 1995 and experienced a pop in his wrist. He noted that x-rays revealed an old styloid fracture. Dr. Mack diagnosed an old injury of the styloid process, left ulna. Since he did not opine that appellant's wrist condition was causally related to the October 3, 1995 incident in which appellant opened a can of soda and, in fact, noted that the x-rays revealed an old injury, this report does not suffice to meet appellant's burden of proof that he sustained an injury on October 3, 1995 in the performance of duty.

In a second report also dated October 5, 1995 but labeled "corrected copy," Dr. Mack submitted the same report he had previously dated October 5, 1995, but he now provided a diagnosis of status post ulnar styloid fracture. However, he did not provide any rationalized medical opinion explaining how this condition was related to appellant opening a can of soda on October 3, 1995 and therefore this report does not suffice to establish that appellant sustained an employment-related injury as alleged.

[2] *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979); *Miriam L. Jackson Gholikely*, 5 ECAB 537, 538-39 (1953).

[3] *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

[4] *Mary J. Briggs*, 37 ECAB 578, 581 (1986); *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

[5] *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

[6] *Ern Reynolds*, 45 ECAB 690 (1994); *James Mack*, 43 ECAB 321 (1991).

In a report dated October 12, 1995, Dr. Mack diagnosed an old injury of the styloid process of the left ulna and indicated by checking the block marked "yes" that the condition was causally related to the October 1995 incident when appellant opened a soda can. The Board has held that an opinion on causal relationship which consists only of checking "yes" to a form report question on whether the claimant's disability was related to the history given is of little probative value.[7] Without any explanation or rationale, such a report has little probative value and is insufficient to establish causal relationship.[8] Furthermore, Dr. Mack described the injury as an "old injury" which contradicts his opinion that the injury was sustained in October 1995.

In a report dated December 12, 1995, Dr. Mack stated that appellant was 10 weeks status post subluxation of the left distal ulnar and fracture of the left ulnar styloid process. In this report, he seems to be indicating that the fracture of the wrist occurred in October 1995 but he does not explain the contradiction with his October 5 and October 12, 1995 reports in which he opined that appellant's wrist condition was an "old" injury. He also provides no medical rationale explaining how this condition was caused by opening a can of soda. Therefore, this report is not sufficient to establish that appellant sustained a wrist injury on October 3, 1995 when he opened a can of soda, as he alleged.

The December 4, 1995 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
March 12, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

[7] *Deborah S. King*, 44 ECAB 203 (1992); *Donald W. Long*, 41 ECAB 142, 146 (1989).

[8] *Id.*