

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of REGINALD HAYWOOD and U.S. POSTAL SERVICE,
POST OFFICE, Phoenix, AZ

*Docket No. 98-625; Submitted on the Record;
Issued August 10, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof in establishing that he sustained an injury causally related to factors of employment.

The Board has duly reviewed the case record and finds that appellant failed to meet his burden of proof.

On September 16, 1997 appellant, then a 35-year-old mailhandler, filed an occupational disease claim, alleging that continually stacking hampers at work caused a dislocation of the joints of the fourth interspace of his left foot that required surgery. By letter dated September 30, 1997, the Office of Workers' Compensation Programs informed appellant of the type of evidence needed to support his claim, which was to include a comprehensive report from his physician explaining how employment exposure contributed to his condition. By decision dated November 20, 1997, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that his condition was causally related to factors of employment. The instant appeal follows.

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.¹

In the present case, there is no dispute that appellant was a federal employee and that he timely filed a claim for compensation benefits. However, the medical evidence is insufficient to establish that he sustained an employment-related injury because it does not contain a rationalized medical opinion explaining how his foot condition was caused or aggravated by employment factors. While appellant submitted a September 16, 1997 report from Dr. Charles R. Connell, a podiatrist, this report does not contain an opinion regarding the cause of appellant's foot condition. Appellant, therefore, did not provide a rationalized medical opinion describing how employment factors caused his condition and, thus, did not meet his burden of proof.

The decision of the Office of Workers' Compensation Programs dated November 20, 1997 is hereby affirmed.

Dated, Washington, D.C.
August 10, 1999

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

¹ *Lourdes Harris*, 45 ECAB 545 (1994).