U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHAEL R. WILLER and U.S. POSTAL SERVICE,
POST OFFICE, Miami, Fla.

Docket No. 97-2491; Submitted on the Record;
Issued May 4, 1999

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained a groin injury in the performance of his employment on June 15, 1996.

The Board has duly reviewed the case record and finds that appellant did not meet his burden of proof in this case.

In the present case, appellant, a clerk, filed a claim on June 17, 1996 alleging that on June 15, 1996 he sustained pain in the groin while throwing parcels. In support of his claim appellant submitted one undated report from Dr. Jeffery Snow, a Board-certified general surgeon. The Office of Workers' Compensation Programs denied appellant's claim by decision dated August 23, 1996. The Office denied modification of the prior decision on June 9, 1997.

In a traumatic injury case, in order to determine whether an employee actually sustained an injury in the performance of duty, it must first be determined whether "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that he actually experienced the employment incident at the time, place and in the manner alleged. Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.[1]

The Office denied appellant's claim on the grounds that he had not submitted sufficient medical evidence to establish that he sustained a groin injury on June 15, 1996 while throwing mail. In his report, Dr. Snow stated that appellant had explained to him that sorting parcel post involved lifting and carrying parcels weighing as much as 70 pounds, and pushing equipment that could weigh in excess of 500 pounds. Dr. Snow concluded that "if [appellant's] description of the work he was doing at the time of his injury is correct, it is my opinion that lifting these

[1] *Robert J. Krstyen*, 44 ECAB 227 (1992).

weights, even if lifted in the safest manner possible, were more than sufficient to cause the type of injury for which I treated him."

Dr. Snow's report is of limited probative value for several reasons. First, Dr. Snow does not state a diagnosis of appellant's condition. Secondly, while Dr. Snow reiterates appellant's general description of his job duties, Dr. Snow does not describe the specific duties appellant was performing on June 15, 1996 which allegedly caused his groin injury. Furthermore, Dr. Snow does not provide any medical rationale to explain how appellant's specific employment activities on June 15, 1996 caused his medical condition. The Board has held that a physician's opinion is not dispositive simply because it is offered by a physician.[2] To be of probative value to appellant's claim, the physician must provide a proper factual background and must provide medical rationale which explains the medical issue at hand, be that whether the current condition is disabling or whether the current condition is causally related to the accepted employment injury. Where no such rationale is present, the medical opinion is of diminished probative value.

Dr. Snow did not provide a medical opinion, based upon a proper factual background and with supportive medical rationale, that appellant sustained a medical condition on June 15, 1996 as a result of a specific employment activity. As appellant did not meet his burden of proof to establish that he sustained a diagnosed medical condition from performance of employment duties, the Office properly denied appellant's claim.

The decision of the Office of Workers' Compensation Programs dated June 9, 1997 is hereby affirmed.

Dated, Washington, D.C.
May 4, 1999

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

[2] *See Michael Stockert*, 39 ECAB 1186 (1988).