

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CANDACE L. ELLISON and U.S. POSTAL SERVICE,  
POST OFFICE, Westerville, OH

*Docket No. 99-2354; Submitted on the Record;  
Issued September 27, 2000*

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DECISION and ORDER

Before MICHAEL J. WALSH, PRISCILLA ANNE SCHWAB,  
VALERIE D. EVANS-HARRELL

The issue is whether appellant met her burden of proof in establishing that her left arm condition was causally related to her federal employment.

Appellant, then a 43-year-old letter carrier, filed an occupational disease claim (Form CA-2) on March 24, 1999, alleging that the continual pain in her left arm resulted from her federal employment. Appellant alleged that on October 27, 1996 while reaching into a parcel tub at work, she felt her elbow pop and has since experienced pain and numbness down her arm and into her fingers. Appellant indicated on her claim form that she reported this injury the day it occurred and that she filed the CA-2 form on March 24, 1999 to report the ongoing nature of her condition. On the reverse side of the claim form, appellant's supervisor indicated that appellant first reported her condition on February 20, 1999, when she also received medical treatment and was assigned to limited duties. Appellant did not stop work as a result of her condition.

On April 15, 1999 the Office of Workers' Compensation Programs requested additional factual and medical evidence from appellant regarding her claim. In response, appellant submitted a duty status report dated May 7, 1999, which indicated the date of appellant's injury and outlined her work restrictions, but provided no history or diagnosis.

By decision dated June 8, 1999, the Office denied appellant's claim on the grounds that the evidence was insufficient to establish that appellant sustained an injury due to the alleged work incident. The Office accepted that appellant actually experienced the alleged incident, but found that the evidence did not establish that a condition had been diagnosed in connection with the incident.

The Board finds that appellant failed to meet her burden of proof in establishing that her left arm condition was causally related to her federal employment.

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 employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that 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>1</sup> 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 federal employment.<sup>2</sup>

In this case, appellant has alleged that she sustained a work-related injury on October 27, 1996, which has caused continual pain in her left arm. However, the duty status report dated May 7, 1999, did not contain a history of injury or diagnosis by a physician relating appellant's claimed condition to employment factors. As noted above, the requisite medical evidence must contain a medical opinion with supporting rationale causally relating appellant's claimed condition to factors of her employment. Appellant has the responsibility to submit such evidence to support her claim.<sup>3</sup> Because appellant failed to submit medical evidence establishing that her federal employment caused an injury, the Board finds that the Office properly denied her claim.<sup>4</sup>

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<sup>1</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>2</sup> *See Walter D. Morehead*, 31 ECAB 188 (1979).

<sup>3</sup> *Earl D. Price*, 39 ECAB 1053 (1988).

<sup>4</sup> Additional evidence has been submitted to the Board and the Office since its June 8, 1999 decision. As the Office did not consider this evidence in reaching a final decision, the Board may not consider it for the first time on appeal. *See* 20 C.F.R. § 501.2(c); *Robert D. Clark*, 48 ECAB 422, 428 (1997).

The decision of the Office of Workers' Compensation Programs dated June 8, 1999 is affirmed.

Dated, Washington, DC  
September 27, 2000

Michael J. Walsh  
Chairman

Priscilla Anne Schwab  
Alternate Member

Valerie D. Evans-Harrell  
Alternate Member