

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GEORGE M. HAWKINS and DEPARTMENT OF THE NAVY,
PUGET SOUND NAVAL SHIPYARD, Bremerton, WA

*Docket No. 01-1460; Submitted on the Record;
Issued February 8, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant sustained an injury in the performance of duty causally related to his federal employment.

On August 29, 2000 appellant, then a 57-year-old machinist,¹ filed an occupational disease claim, alleging that he sustained a hernia from performing his duties. The employing establishment stated that appellant stopped work on September 3, 1997 and did not return.²

Accompanying the claim was a July 19, 2001 statement from the employing establishment concerning whether appellant's hernia was caused by his employment factors; a job description; personnel papers; medical documents describing appellant's limitations due to an ankle problem for the period March until September 12, 1994 when the limitation became permanent; a July 30, 1997 physical capacity evaluation by a physical therapist; and a September 16, 1997 report by Dr. J.R. Brooks of an August 6, 1997 examination revealing a hernia.

By letter dated February 9, 2001, the Office of Workers' Compensation Programs requested detailed factual and medical information from appellant. Appellant was requested to provide a detailed description of the employment-related activities which he believed contributed to his condition and how often he performed these activities, a description of all outside activities and a comprehensive medical report which described his symptoms, treatment provided, test results and a rationalized medical opinion on the cause of his condition. By another letter dated February 9, 2001, the Office requested factual information from the employing establishment.

On March 2, 2001 appellant responded to the Office's request for information. Appellant stated that in 1994 he was placed on permanent limited light duty. He stated that he lifted boxes

¹ In 1994 appellant was detailed to an office job.

² Appellant retired effective September 3, 1997.

of computer printouts weighing 25 to 30 pounds, processed paperwork and would move desks, cabinets and furniture. On March 8, 2001 the Office received a response from the employing establishment. The employing establishment stated:

“Since October 1995 this employee worked in a light[-]duty job. Clerical tasks, such as filing, making copies, answering [tele]phones. Most tasks assigned could be performed at the employee’s own pace. Lifting would not have exceeded 5 [to]10 pounds. No pushing or pulling, minimal bending. No stooping.”

By decision dated April 10, 2001, the Office denied appellant’s claim finding that the evidence of record failed to establish that he sustained an injury in the performance of duty causally related to factors of his federal employment.

The Board finds that appellant has failed to establish that he sustained an injury in the performance of duty causally related to factors of his federal employment.

An employee seeking benefits under the Federal Employees’ Compensation Act³ has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an “employee of the United States” within the meaning of the Act, that the claim was filed within the applicable time limitations of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed is causally related to the employment injury.⁴ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

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.

When an employee, who is disabled from the job he or she held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence of record establishes that she can perform the light-duty position, the employee has the burden to establish by the weight of the reliable, probative and substantial evidence a recurrence of total disability and show that she cannot perform such light duty. As part of this burden, the

³ 5 U.S.C. § 8101.

⁴ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

⁵ *Victor J. Woodhams*, 41 ECAB 345 (1989).

employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty job requirements.⁶

The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁷

In the instant case, there is no dispute that appellant has an inguinal hernia. He stated that while he was employed as a machinist some parts "had to be muscled into position." Appellant also stated that he has been on light duty since 1994. While on light duty he claims that once a week he would carry a box of computer printouts weighing 25 to 30 pounds and when asked, would move desks, cabinets and furniture. However, the employing establishment identified the duties of appellant's light-duty position since October 1995 as filing, making copies, answering telephones and lifting no more than 5 to 10 pounds.

In addition, there is no rationalized medical opinion evidence to support a causal relationship between the factors of employment identified by appellant and his hernia. The medical evidence submitted medical limitation reports covering March through September 12, 1994 when his restrictions became permanent due to an ankle problem. These reports failed to identify factors of appellant's employment or address the causal relationship between appellant's job duties and the contribution such duties would have in causing his hernia. Also submitted was a September 16, 1997 report of an August 6, 1997 examination by Dr. J.R. Brooks stating that, "[t]here is a right inguinal hernia noted...." Dr. Brooks' report failed to identify any employment duties to which appellant attributes his hernia or to address a causal relationship between appellant's hernia and his employment. Therefore, the report is insufficient to establish appellant's occupational disease claim.

The factual evidence of record does not sufficiently identify specific factors of employment while appellant was a machinist and while on light duty since 1995, the employing establishment stated that appellant's light-duty position did not require any pushing, pulling or stooping and only minimal bending with lifting no more than 10 pounds. In addition, the medical evidence failed to provide an opinion with supporting rationale explaining how factors of appellant's employment caused or contributed to appellant's hernia. By letter dated February 9, 2001, the Office advised appellant of the specific factual and medical evidence needed to establish his claim. The Board finds that appellant failed to meet his burden of proof.

⁶ *Terry R. Hedman*, 38 ECAB 222 (1986).

⁷ *Id.*

The decision dated April 10, 2001 of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
February 8, 2002

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member