

employing establishment denied that appellant had to stand for five hours casing mail. The employing establishment noted that appellant cased mail, but did not have to stand for five hours and stood while on a very soft rubber mat. The employing establishment indicated that appellant was on light duty and therefore could work at her own pace, did not pull down or deliver mail and did not hold more than two to three pounds of flats at any time while casing mail. The employing establishment contended that she had not identified any work factors or mechanisms of injury that would have caused the claimed traumatic injury.

By letter dated August 25, 2005, the Office requested that appellant submit further information. Appellant responded by indicating that she delayed filing her claim because she was upset that her supervisor gave her the wrong form to complete. She noted that the injury occurred on April 7, 2005 when she was ordered to case mail for five hours continuously and then to deliver the mail against her doctor's orders. Additionally, appellant added that her doctor restricted her to intermittent standing for two hours per day.

Appellant also submitted medical reports by her treating physician, Dr. A. Giovannini, a Board-certified orthopedic surgeon. In notes dated April 14 to June 22, 2005, Dr. Giovannini indicated that appellant had been under his care since April 11, 2005 and was totally incapacitated commencing April 8, 2005. Dr. Giovanni indicated that appellant was disabled from work due to: "[l]umbar/[l]eft knee [s]prain, [a]cute, [s]evere. Recurring: [c]ervical [s]prain [l]umbar [r]adiculopathy with [n]eurological [d]eficit; chondromalacia patella/internal derangement." Dr. Giovannini also submitted duty status reports dated June 14 and 22, 2005 and checked the box on each indicating that appellant's condition was caused by her employment.

In a medical report dated September 7, 2005, Dr. Giovannini described appellant's history of injury. He noted that appellant indicated that on April 7, 2005 she was ordered to case mail for five hours continuously followed by delivery of mail. Appellant stated that this was against her doctor's restrictions. Dr. Giovannini found that appellant had stiffness of her neck and back on normal gait. He indicated that C4, C5, C6, C7, L4, L5 and S1 were tender to palpitation and that all spinal movement was painful at the extremes of motion. With regard to her left knee, Dr. Giovannini indicated that there was a mild swelling of the suprapatellar pouch and thickening of the synovium. He noted mild instability in function to weakness of both hamstrings and quadriceps against resistance. Dr. Giovannini concluded that appellant's present condition precluded engagement in her customary employment as a mail carrier. He noted that, over the past several months, casing mail had become progressively more difficult for appellant. Dr. Giovannini noted that her complaints of inability to tolerate standing/walking for more than one hour at a time were legitimized by the abnormal wear noted on her shoes, which was caused by shifting the majority of weight to one side. Although her placing the majority of her weight on one side decreased the weight on her knee, it put an undue amount of stress on the lumbar spine and also on the extremity bearing most of the weight.¹

¹ Appellant submitted additional evidence on appeal. The Board's jurisdiction is limited to evidence that was before the Office at the time the Office issued its final decision. *See* 20 C.F.R. § 501.2(c). The Board may not consider this evidence for the first time on appeal. The Board notes, however, that appellant may submit new evidence to the Office and request reconsideration of her claim, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606.

By decision dated October 13, 2005, the Office denied appellant's claim because appellant had not established that the claimed medical condition was related to the alleged employment factors of April 7, 2005. The Office noted that it had not accepted that appellant was required to stand for five hours to case mail.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act² 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 limitation; that an injury was sustained while in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.³ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.⁴

To determine whether an employee has sustained a traumatic injury in the performance of duty, "fact of injury" must first be established.⁵ The employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁶ 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.⁷ The medical evidence required to establish causal relationship is usually rationalized medical evidence.⁸ Rationalized medical evidence is medical evidence that includes a physician's rationalized opinion on whether there is a relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion 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 established incident or factor of employment.⁹

An award of compensation may not be based on appellant's belief of a relationship. Neither the mere fact that a disease or condition manifested itself during a period of employment

² 5 U.S.C. §§ 8101-8193.

³ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *See Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999); *Elaine Pendleton*, *supra* note 2.

⁵ *Neal C. Evins*, 48 ECAB 242 (1996).

⁶ *Michael W. Hicks*, 50 ECAB 325, 328 (1999).

⁷ 5 U.S.C. § 8101(5); 20 C.F.R. § 10.5(ee) (defining traumatic injury).

⁸ *Michael E. Smith*, *supra* note 4.

⁹ *John W. Montoya*, 54 ECAB 306 (2003).

nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹⁰

ANALYSIS

The Board finds that appellant did not establish that she sustained an injury in the performance of duty on April 7, 2005, as alleged. Dr. Giovanni diagnosed appellant with lumbar left knee sprain, recurring cervical sprain, lumbar radiculopathy with neurological deficit and chondromalacia patella/internal derangement. However, Dr. Giovanni never determined that the alleged work factors of April 7, 2005, *i.e.*, standing at work casing mail, caused a work-related medical condition. Dr. Giovanni checked a box on the duty status reports dated June 14 and 22, 2005 indicating that he believed that appellant's condition was caused by her work. However, he did not provide any explanation as to why he believed this to be the case. Dr. Giovanni's opinion of September 7, 2005 did not reach any conclusion as to what caused appellant's medical conditions. Dr. Giovanni did mention that appellant related the history of being injured at work on April 7, 2005, but he never independently concluded that her employment activities that day caused her condition. Furthermore, Dr. Giovanni noted that appellant stated that she stood for five hours casing mail followed by mail delivery. However, this is contrary to the statement by the employing establishment that she was not required to stand for five hours casing mail and did not deliver mail. Appellant did not submit sufficient evidence to support that she stood for more than two hours as restricted by her physician.

The Board finds that appellant did not submit medical evidence sufficient to establish that she sustained an injury causally related to factors of her employment on April 7, 2005. In order to be rationalized medical evidence, 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.¹¹ There is no physician's opinion in the record that contains a comprehensive history of the incident and appellant's medical history accompanied by a rationalized medical opinion relating appellant's employment to any injury. Accordingly, the Office properly denied appellant's claim.

CONCLUSION

The Board finds that appellant has not established that she sustained an injury in the performance of duty on April 7, 2005 as alleged.

¹⁰ *Id.*

¹¹ *Dennis M. Mascarenas*, 49 ECAB 215, 217 (1997).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 13, 2005 is affirmed.

Issued: May 18, 2006
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board