

**United States Department of Labor
Employees' Compensation Appeals Board**

S.L., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Valrico, FL, Employer**

)
)
)
)
)
)
)
)
)
)
)
)

**Docket No. 06-1529
Issued: October 10, 2006**

Appearances:
William Hackney, for the appellant
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On June 20, 2006 appellant filed a timely appeal of the Office of Workers' Compensation Programs' decisions dated September 13, 2005 and May 30, 2006 denying her claim for injuries to her lower back, hips, legs, shoulders, arms, hands and thumbs. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant sustained injuries to her lower back, hips, legs, shoulders, arms, hands and thumbs causally related to factors of her federal employment.

FACTUAL HISTORY

On June 30, 2005 appellant, then a 47-year-old rural mail carrier, filed an occupational disease claim alleging that she sustained injuries to her lower back, hips, legs, shoulders, arms, hands and thumbs caused by repetitive motions in performing her employment duties. In 2001, she injured her right hand when her vehicle began to move forward while appellant's hand was still inside a mailbox. After appellant returned to regular duty following her hand injury, her

tasks such as handling heavy parcels, mail trays and tubs of flats and casing and delivering mail caused an aggravation of a previous back injury.

By letter dated August 2, 2005, the Office asked appellant to provide additional information, including a comprehensive medical report from an attending physician with the results of tests, diagnoses and a rationalized explanation of how the diagnosed conditions were causally related to specific factors of her employment.

In a report dated May 6, 2005, Dr. David P. Kalin, an attending family practitioner, stated that, on August 1, 2001 appellant injured her right hand when it became wedged in a rusty mailbox. X-rays were negative. Appellant returned to work in a light-duty capacity for two days and then returned to regular work. Dr. Kalin provided a history for numerous medical conditions and findings on physical examination. He diagnosed chronic low back syndrome, dyesthesia of the hips, status post resection of right shoulder basal cancer cells, chronic hand and thumb pain, a contusion of the right wrist and hand, an anxiety disorder with panic attacks, a major depressive disorder and hypertension. Dr. Kalin stated:

“In my opinion, by medical history, physical examination and a review of available pertinent medical records, [appellant’s] presentation of bilateral thumb pain and history of pain in the hands may, within a reasonable degree of medical probability, be attributed to repetitive activities through the course of her work as a letter handler ... though, at this time, does not appear to be directly related to the trauma incurred to the right hand on August 1, 2001.

“[Appellant] also has had a work-related ... stress reaction on January 20, 2004 for which she is treated for hypertension, anxiety, depression and panic attacks with medications and, as a consequence, has been unable to return to work as a letter carrier....

“Chronic low back syndrome, though recurrent, periodic for which [appellant] would use a low back support[,] is not directly related to the established work-related ... injury though may, within a reasonable degree of medical probability, be attributed to repetitive and strenuous activities throughout [appellant’s] work and recreational activities.”

By letter dated August 22, 2005, Dotti Hulan, a postmaster, indicated that appellant had reported a hand injury as a result of the August 1, 2001 incident when her hand became caught in a mailbox but she did not report a back, shoulder or arm injury. She returned to full duty from her right wrist sprain on August 3, 2001. On January 19, 2004 appellant stopped work, claiming work-related stress and hypertension.¹

By decision dated September 13, 2005, the Office denied appellant’s claim on the grounds that the medical evidence did not establish that her medical conditions were causally related to her federal employment.

¹ The employing establishment indicated that appellant’s claim for hypertension was denied by the Office.

On September 16, 2005 appellant requested an oral hearing that was held on April 6, 2006. She testified that she worked for the employing establishment from September 1995 to January 2004. Appellant worked an average of 10 hours a day and 50 hours a week casing and delivering mail and she regularly worked through lunch. She lifted trays and tubs of mail weighing 20 to 50 pounds. Appellant testified that she had a preexisting low back condition when she began working at the employing establishment, a right hand injury in 2001, a hip injury in 2003, an injury to her legs in August or September 2003 and that the injury to her shoulders, arms and hands occurred in April 2005.

On May 13, 2006 Ms. Hulan provided a statement in which she disagreed with portions of appellant's testimony. She indicated that records revealed that appellant did not work an average of 50 hours a week, did not lift trays and tubs weighing 20 to 50 pounds and her allegation that she worked through lunch was undocumented.

By decision dated May 30, 2006, the Office affirmed the September 13, 2005 decision.

LEGAL PRECEDENT

To establish a causal relationship between her medical conditions and her employment, appellant must submit rationalized medical opinion evidence based on a complete factual and medical background supporting such a causal relationship.² Rationalized medical opinion evidence is medical evidence which includes a physician's opinion on the issue of whether there is a causal relationship between the 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.³ Neither the fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁴

ANALYSIS

Appellant alleged that she sustained injuries to her lower back, hips, legs, shoulders, arms, hands and thumbs caused by repetitive motions involved in performing her employment duties. At the oral hearing she testified that she worked an average of 10 hours a day and 50 hours a week casing and delivering mail, lifted trays and tubs of mail weighing 20 to 50 pounds and regularly worked through lunch. However, the employing establishment disputed appellant's description of her physical job requirements, indicating that records revealed that she did not work an average of 50 hours a week, did not lift trays and tubs weighing 20 to 50 pounds

² *Michael S. Mina*, 57 ECAB ____ (Docket No. 05-1763, issued February 7, 2006).

³ *Gary J. Watling*, 52 ECAB 278 (2001); *Gloria J. McPherson*, 51 ECAB 441 (2000).

⁴ *Michael S. Mina*, *supra* note 2.

and did not regularly work through her lunch period. Appellant has not provided sufficient documentation to establish as factual her description of her physical job requirements.

Dr. Kalin diagnosed chronic low back syndrome, dysesthesia of the hips, status post resection of right shoulder basal cancer cells, chronic hand and thumb pain, a contusion of the right wrist and hand, an anxiety disorder with panic attacks, a major depressive disorder and hypertension. He stated his opinion that appellant's hand and thumb conditions were caused by repetitive activities as a letter carrier. However, Dr. Kalin did not describe the specific repetitive activities which caused the injury to her hands and thumbs and did not provide a specific diagnosis. He stated that appellant's chronic low back syndrome was caused by repetitive and strenuous work and nonwork activities. However, Dr. Kalin did not identify the specific work activities or address how they caused or contributed to appellant's back condition. He provided insufficient rationalized medical opinion explaining how her medical conditions were causally related to her employment as a mail carrier. Dr. Kalin did not describe the specific duties appellant performed or explain how these duties caused or contributed to the diagnosed conditions. Medical reports not containing adequate rationale on causal relationship are of diminished probative value and are generally insufficient to meet an employee's burden of proof.⁵ The Board finds that Dr. Kalin's report is not sufficient to establish that appellant's claimed injuries to her lower back, hips, legs, shoulders, arms, hands and thumbs were caused or aggravated by her employment.

CONCLUSION

The Board finds that appellant failed to establish that her claimed injuries to her lower back, hips, legs, shoulders, arms, hands and thumbs were causally related to her employment.

⁵ *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated May 30, 2006 and September 13, 2005 are affirmed.

Issued: October 10, 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