

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

J.J., Appellant)

and)

U.S. POSTAL SERVICE, POST OFFICE,)
Cleveland, OH, Employer)

**Docket No. 08-1414
Issued: October 23, 2008**

Appearances:

*Alan J. Shapiro, Esq., for the appellant
Office of Solicitor, for the Director*

Case Submitted on the Record

DECISION AND ORDER

Before:

DAVID S. GERSON, Judge
COLLEEN DUFFY KIKO, Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On April 15, 2008 appellant filed a timely appeal from the March 24, 2008 merit decision of the Office of Workers' Compensation Programs' hearing representative, which affirmed the denial of her claim. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to review the merits of the case.

ISSUE

The issue is whether appellant's duties as a mail handler caused or aggravated any of her diagnosed medical conditions.

FACTUAL HISTORY

On May 8, 2007 appellant, then a 49-year-old mail handler, filed a claim alleging that her chest pain and muscle soreness was a result of her federal employment: "I am a mail handler who load and off load trucks with full and empty equipment on the East Dock. The equipment on these trucks and in the breakdown weighs over 50 pounds. From the pushing, pulling & separation of mail I've strained muscles." She stopped work on May 2, 2007.

On May 16, 2007 the Office asked appellant to submit additional information to support her claim, including a comprehensive medical report from her treating physician providing the doctor's opinion, with medical reasons, on the cause of her diagnosed condition. Appellant submitted clinical findings of right shoulder strain and chest strain and an assessment of angina. According to a May 2, 2007 report, a cardiology fellow felt that appellant's substernal chest pain was costochondritis.

In a decision dated July 24, 2007, the Office denied appellant's claim for compensation. It found that the medical evidence failed to demonstrate that the claimed medical condition was related to the established work-related events.

Appellant requested a review of the written record by an Office hearing representative. She submitted medical evidence indicating she was disabled by costochondritis. Appellant also submitted medical evaluations from May to November 2007. Her diagnoses included chest pain not otherwise specified and cervicgia.

In a decision dated January 8, 2008, the Office hearing representative affirmed the denial of appellant's claim. The hearing representative found that appellant provided no medical evidence sufficient to establish that the work activities she performed as a mail handler were the proximate cause of her diagnosed chest pain condition.

LEGAL PRECEDENT

The United States shall pay compensation for the disability of an employee resulting from personal injury sustained while in the performance of duty.¹ An employee seeking benefits under the Act has the burden of proof to establish the essential elements of her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.²

Causal relationship is a medical issue,³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁴ must be one of reasonable medical certainty,⁵

¹ 5 U.S.C. § 8102(a).

² See generally *John J. Carlone*, 41 ECAB 354 (1989).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

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.⁶

ANALYSIS

The Office does not dispute the duties appellant performed as a mail handler. It accepts those duties as factually established. So appellant has met her burden to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. The question that remains is whether her duties as a mail handler caused or aggravated any of her diagnosed medical conditions.

To establish the element of causal relationship, appellant must submit a narrative medical opinion from a doctor who demonstrates an understanding of the physical demands of her mail handler position and who explains, with sound medical reasoning, how those particular activities caused or aggravated a diagnosed medical condition. The Office requested this kind of evidence on May 16, 2007. It asked appellant to submit a doctor's opinion, with medical reasons, on the cause of her diagnosed condition. Appellant has submitted no such evidence. She submitted medical reports and treating notes reflecting her complaints and providing clinical findings and diagnoses. None of this evidence discusses or explains how appellant's duties caused an injury. With no medical opinion to support the critical element of causal relationship, she has not met her burden of proof to establish she sustained an injury in the performance of duty. The Board will affirm the denial of her claim.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that her duties as a mail handler caused or aggravated any of her diagnosed medical conditions.

⁶ See *William E. Enright*, 31 ECAB 426, 430 (1980).

ORDER

IT IS HEREBY ORDERED THAT the March 24, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 23, 2008
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board