

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARLENE SMITH and U.S. POSTAL SERVICE,
POST OFFICE, Long Beach, Calif.

*Docket No. 95-1108; Submitted on the Record;
Issued February 11, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof to establish her claim for swelling and numbness in her right arm, shoulder, hand and finger.

The Board has duly reviewed the record and finds that appellant has not met her burden of proof to establish her claim for swelling and numbness in her right arm, shoulder, hand and finger.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements, of his or her claim including the fact that the injury was sustained in the performance of duty, as alleged and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.² These are the essential elements of each and every claim regardless of whether the claim is predicated upon a traumatic injury, due to one single incident, or an occupational disease due to events occurring over a period of time.³

As part of this burden, the claimant must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relationship.⁴ Rationalized medical evidence is evidence which relates a work incident or factors of employment to a

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ The Office of Workers' Compensation Programs' regulations clarify that a traumatic injury refers to an injury caused by a specific event or incident or series of events or incidents occurring within a single workday or work shift whereas occupational disease refers to an injury produced by employment factors which occur or are present over a period longer than a single workday or shift. *See* 20 C.F.R. §§ 10.5(a)(15), (16).

⁴ *See Kathryn Haggerty*, 45 ECAB 383 (1994); *Lucretia M. Nielson*, 42 ECAB 583 (1991).

claimant's condition, with stated reasons of a physician.⁵ The opinion of the physician, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship of the diagnosed condition and the specific employment factors or employment injury.⁶

On September 30, 1994 appellant, a mail processor, filed a claim for swelling and numbness of the right arm, shoulder, hand and finger. Appellant alleged that as she was lifting trays of third class mail on July 19, 1994, she felt a sharp pain and she noticed swelling with pain, which did not resolve within the two months thereafter. Based on a lack of evidence submitted to support her claim, the Office denied appellant's claim by decision dated November 14, 1994. Two days later, the Office received a November 10, 1994 letter, from appellant addressing the circumstances of her claimed injury. Appellant contended that the swelling occurred on July 19, 1994, while she was performing her work duties and that she advised her supervisor of the medical condition on that date. She noted that following an evaluation with her physician Dr. Simpson, she was placed on light-duty work, but noted that she was unable to obtain a report from him addressing her condition. She submitted a December 22, 1994 report, from the Plaza Sports Medical Group, with an illegible signature from the physician. The report listed a diagnosis of chronic tendinitis of the right proximal forearm and indicated that appellant was restricted from repetitive lifting of more than 15 pounds and no repetitive overhead reaching.

By decision dated January 19, 1995, the Office reviewed the merits of appellant's claim and denied modification of the prior decision.

The Board notes that the report from the Plaza Sports Medical Group, which diagnosed chronic tendinitis of the right proximal forearm, is insufficient in that it contains no legible signature from a physician and it contains no history of the work incident alleged by appellant to have caused the condition. The question of whether a causal relationship exists between the condition and the employment is medical in nature and can be established generally only by rationalized medical opinion.⁷ Based on the lack of a medical report, addressing the causal relationship between the alleged work factors and appellant's condition, appellant has not met her burden of proof to establish an injury in the performance of duty as alleged.

⁵ *Gary L. Fowler*, 45 ECAB 365 (1994); *Debra A. Kirk-Littleton*, 41 ECAB 703 (1990); *George Randolph Taylor*, 6 ECAB 986, 988 (1954) (finding that a medical opinion not fortified by medical rationale is of little probative value).

⁶ *Id.*

⁷ Although causal relationship generally requires rationalized medical opinion, Office procedures provide for acceptance of a claim without a medical report when the following criteria are satisfied: (1) the condition reported is a minor one which can be identified on visual inspection by a lay person (*e.g.* burns, lacerations, insect stings, or animal bites); (2) the injury was witnessed or reported promptly and no dispute exists as to the fact of injury; and (3) no time was lost from work due to disability. *See Melissa A. Carter*, 45 ECAB 618 (1994). In the present case, the employing establishment controverted appellant's claim on the grounds that her condition developed over a period of time.

The decisions of the Office of Workers' Compensation Programs dated November 14 and January 15, 1995 are hereby affirmed.

Dated, Washington, D.C.
February 11, 1998

George E. Rivers
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member