

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LYRIS E. SPENCER and U.S. POSTAL SERVICE,
POST OFFICE, Carol Stream, Ill.

*Docket No. 96-1240; Submitted on the Record;
Issued February 24, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant has met his burden of proof in establishing that he developed tendinitis due to factors of his federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet his burden of proof in establishing that he developed tendinitis due to factors of his federal employment.

Appellant filed a claim on September 29, 1995 alleging that he developed tendinitis due to factors of his federal employment. In support of his claim, appellant submitted a note dated September 25, 1995 from Dr. Lenard W. LaBelle, a Board-certified orthopedic surgeon. Dr. LaBelle provided appellant's work restrictions due to a left wrist cyst. The Office of Workers' Compensation Programs requested additional information, including a detailed medical report, from appellant on November 2, 1995. Appellant failed to submit any additional medical evidence and by decision dated February 5, 1996, the Office denied appellant's claim as he failed to submit sufficient medical evidence to establish that an injury was sustained as alleged.

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.¹

¹ *Lourdes Harris*, 45 ECAB 545, 547 (1994).

In this case, the Office accepted that appellant experienced the factors of employment alleged. However, the Office found that appellant had not submitted sufficient medical evidence to support his claim.

The only medical evidence submitted by appellant is the September 25, 1995 note from Dr. LaBelle which provided his work restrictions due to a left wrist cyst. As Dr. LaBelle did not provide an opinion that appellant's left wrist cyst was due to his employment duties, his report is not sufficient to meet appellant's burden of proof and the Office properly denied appellant's claim.

The decision of the Office of Workers' Compensation Programs dated February 5, 1996 is hereby affirmed.

Dated, Washington, D.C.
February 24, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member