

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RANDAL A. WOZNIAK and U.S. POSTAL SERVICE,
POST OFFICE, Pittsburgh, Pa.

*Docket No. 96-2245; Submitted on the Record;
Issued June 25, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof to establish that he sustained an injury in the performance of duty.

Appellant filed a claim on December 11, 1995 for pain in the hand, arm and shoulder which he attributed to performing the duties of his federal employment. The Office of Workers' Compensation Programs, in a decision dated February 26, 1995, denied appellant's claim on the grounds that he did not submit sufficient medical evidence to establish that his right arm condition was causally related to factors of his federal employment. Appellant requested reconsideration and submitted additional medical evidence. By decision dated June 24, 1996, the Office denied appellant's request for reconsideration on the grounds that the evidence submitted was insufficient to warrant modification of the prior decision.

The Board has duly reviewed the case record in the present appeal and finds that appellant did not meet his burden of proof to establish that he sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim, including that fact that an injury was sustained in the performance of duty as alleged, and that any disability and/or specific condition for which compensation is claimed is causally related to the employment injury.²

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

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

factual statement identifying the 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 claimant.³ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.⁴ Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁵ must be one of reasonable medical certainty,⁶ 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.⁷ The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁸

In the present case, appellant alleged that he sustained pain in his right hand, arm and shoulders due to repetitious activity in the course of his employment. Although the Office accepted the occurrence of the claimed employment factors, appellant did not submit sufficient medical evidence to establish that he sustained an occupational injury due to these factors.

In support of his claim, appellant submitted chart notes from Dr. Donovan, an employing establishment physician. In chart notes dated November 16, 1995 to February 9, 1996, Dr. Donovan diagnosed tendinitis of the right forearm, DeQuervain's of the right wrist, and cervical pain. This evidence, however, is of limited probative value on the relevant issue in the present case as it provides no opinion that appellant's medical problems were related to employment factors.⁹

³ *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁴ The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may be dispensed with to establish a claim; *see Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not a case of obvious causal connection.

⁵ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁶ *See Morris Scanlon*, 11 ECAB 384-85 (1960).

⁷ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁸ *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁹ *See Charles H. Tomaszewski*, 39 ECAB 461 (1988) (finding that medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

In a hospital report dated November 16, 1995, a physician examined appellant for right forearm pain and swelling and diagnosed DeQuervain's and tenosynovitis. The physician, however, does not relate the diagnosed conditions to employment factors and thus his opinion is of little probative value.

In a report dated November 22, 1995, Dr. Mitchell E. Antin, an osteopath, noted appellant's history of pain and swelling of the right hand while delivering mail on November 15, 1995. Dr. Antin found that appellant had a positive Phalen's test and negative Tinel's sign. He diagnosed tendinitis of the right hand and recommended limited duty. In a report dated December 6, 1995, Dr. Antin noted diffuse symptomatology and found that appellant's tendinitis was resolving. Dr. Antin, however, does not discuss the cause of the diagnosed condition, and thus these reports are insufficient to meet appellant's burden of proof.

In a report dated January 30, 1996, Dr. Antin noted that appellant's "hand symptomatology appeared to be significantly improved and resolving." He further stated:

"He was having other symptoms related to the cervical spine and may possibly have some evidence of a cervical radiculopathy. These underlying symptoms were felt to be unrelated to his job performance and description of his original complaints of November 15, 1995 regarding his right hand and forearm."

As Dr. Antin does not attribute any of appellant's conditions to his federal employment, his report does not support appellant's claim.

In a report dated April 12, 1996, Dr. Antin stated that he treated appellant for pain and swelling in the right hand which began on November 15, 1995. Dr. Antin related that he continued to see appellant until February 8, 1996 and that "[d]uring that time, [appellant] was treated for synovitis and tendinitis of the right hand and wrist. I felt that this diagnosis was compatible with his work[-]related injury of November 15, 1995." Dr. Antin, however, does not provide any rationale in support of his conclusion or discuss how specific factors of appellant's federal employment caused his right hand and wrist conditions. Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet appellant's burden of proof.¹⁰

An award of compensation may not be based upon surmise, conjecture or speculation or upon appellant's belief that there is a causal relationship between his condition and his employment.¹¹ To establish causal relationship, appellant must submit a physician's report in which the physician reviews that factors of employment identified by appellant as causing his condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant's medical history, state whether these employment factors caused or

¹⁰ *Arlonia B. Taylor*, 44 ECAB 591 (1993).

¹¹ *William S. Wright*, 45 ECAB 498 (1993).

aggravated appellant's diagnosed condition.¹² Appellant failed to submit such evidence and therefore failed to discharge his burden of proof.

The decision of the Office of Workers' Compensation Programs dated June 24, 1996 is hereby affirmed.

Dated, Washington, D.C.
June 25, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member

¹² *Id.*