

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of GWENDOLYN RANCHER and U.S. POSTAL SERVICE,  
POST OFFICE, Pittsburgh, Calif.

*Docket No. 96-1275; Submitted on the Record;  
Issued March 11, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant's February 9, 1993 employment injury resulted in disability for work from September 20, 1993 to January 30, 1994 and beginning June 20, 1994.

The Office of Workers' Compensation Programs accepted that appellant sustained a left ankle sprain on February 9, 1993. Appellant continued to work until her employment was terminated in October 1993 for striking a parked vehicle and failing to report the accident. Appellant was hired at a different employing establishment facility on April 2, 1994; her employment there was terminated effective June 24, 1994 for being absent without leave on June 11, 1994.

On August 2, 1994 appellant filed a claim for compensation for disability for work, for the period September 20, 1993 to January 30, 1994 and from June 20, 1994 to "present." The Office denied this claim by a decision dated December 1, 1995, finding that the evidence failed to establish that her condition was causally related to her employment.

Appellant has the burden of proving by the preponderance of the reliable, probative and substantial evidence that she was disabled for work as a result of an employment injury. This burden includes the necessity of submitting medical opinion evidence, based on a proper factual and medical background, establishing such disability and its relationship to her employment.<sup>1</sup>

The Board finds that appellant has not met her burden of proof to establish that her February 9, 1993 employment injury resulted in disability for work from September 20, 1993 to January 30, 1994 and beginning June 20, 1994.

Appellant submitted no medical evidence indicating that she was disabled due to a left ankle condition from September 20, 1993 to January 30, 1994. Given the absence of any

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<sup>1</sup> *David H. Goss*, 32 ECAB 24 (1980).

medical evidence to support appellant's claim for disability for this period, appellant has not met her burden of proof to establish employment-related disability from September 20, 1993 to January 30, 1994.

Appellant did submit medical evidence indicating she was disabled beginning June 28, 1994 by a left ankle condition. In a report dated July 11, 1994, Dr. Dennis H. Gustafson, a Board-certified orthopedic surgeon, diagnosed a chronic strain of the left ankle, listed a history of twisting the ankle climbing down stairs on February 9, 1993, indicated that appellant was disabled beginning June 28, 1994, and checked a box to indicate appellant's disability was the result of her occupation as an industrial accident or occupational disease. Dr. Gustafson also checked a box on an Office form dated August 2, 1994 to indicate appellant's present condition was due to the February 9, 1993 injury for which compensation was claimed. Dr. Gustafson prescribed physical therapy and an elastic support.

The Board has held that an affirmative answer, without explanatory rationale, to the question on causal relation on an Office form is of minimal probative value and does not constitute the type of medical evidence needed to satisfy the employee's burden of proof.<sup>2</sup> The present case is certainly one which requires explanatory rationale. Although Dr. Gustafson attributed appellant's disability to a chronic form of the same condition accepted by the Office as left ankle strain, he first examined appellant over 16 months after the employment injury. In the interim, appellant continued to work her regular duties as a letter carrier, except for the time she was terminated by the employing establishment. She next filed a claim for disability after she was again terminated for reasons unrelated to her employment injury. The physician who examined appellant one day after the February 9, 1993 employment injury, Dr. S.B. Shikora, who is Board-certified in emergency medicine and in internal medicine, stated that appellant should be able to return to her regular work on February 17, 1993, eight days after the injury. The findings on Dr. Gustafson's examination of appellant on June 28, 1994 appear minimal, with no swelling or erythema, range of motion "equivalent to her uninvolved right ankle," and no significant ligamentous laxity on stress x-rays. Dr. Gustafson stated that there was "mild tenderness over the anterior fibulotalar ligament" and that "there appears to be some increased laxity when the ankle is pulled forward." Given all these factors that cast doubt on appellant's claim that her February 9, 1993 employment injury resulted in disability beginning June 28, 1994, a medical opinion containing rationale on causal relation is needed to establish causal relation. The record contains no such opinion, despite the fact that the Office advised appellant of the medical evidence needed to establish her claim.

The decision of the Office of Workers' Compensation Programs dated December 1, 1995 is affirmed.

Dated, Washington, D.C.

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<sup>2</sup> *Herman W. Thornton*, 39 ECAB 875 (1988).

March 11, 1998

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member