

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LESLIE A. CARD and U.S. POSTAL SERVICE,  
POST OFFICE, North Houston, Tex.

*Docket No. 96-1822; Submitted on the Record;  
Issued May 11, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
A. PETER KANJORSKI

The issue is whether appellant sustained lateral humeral epicondylitis causally related to factors of federal employment.

The Board has duly reviewed the case record and finds that appellant has failed to establish that he sustained lateral humeral epicondylitis causally related to factors of federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was filed within the applicable time limitation of the Act, 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.<sup>1</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.<sup>2</sup>

To establish that an injury was sustained in the performance of duty, an appellant must submit the following: (1) medical evidence establishing the presence or existence of the condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the 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. The medical evidence required to establish causal relationship, generally, is

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<sup>1</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>2</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

rationalized medical evidence. 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 appellant'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, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by appellant.<sup>3</sup>

On October 6, 1995 appellant, then a 44-year-old clerk, filed a claim for an occupational injury, Form CA-2, alleging that she sustained lateral humeral epicondylitis from keying for 30 minutes or more and from casing manual letters.

By letter dated October 27, 1995, the Office of Workers' Compensation Programs requested additional information from appellant including a medical report from her treating physician explaining how her federal employment contributed to her condition. By letter dated October 27, 1995, the Office also requested information from the employing establishment. By letter dated November 27, 1995, appellant's supervisor submitted sheets of appellant's clock rings and work hours for pay periods 18 through 24 in 1994 and a statement explaining the nature of appellant's work. Appellant submitted a disability note from Dr. Ernest Burke Evans, a Board-certified orthopedic surgeon, dated October 19, 1995 stating that appellant was unable to work until October 19, 1995, a copy of a medical bill dated October 18, 1995, copies of notices of an appointment with Dr. Evans and a statement from appellant dated November 13, 1995 responding to the Office's October 27, 1995 letter. The record also contains a description of a flat sorter operator's duties which include keying on a machine, serving as a loader which involves loading sorting ledges and a sweeper which involves removing mail from the machine and sorting it.

By decision dated December 27, 1995, the Office denied the claim stating that the fact of injury was not established.

By letter dated February 8, 1996, appellant requested reconsideration of the Office's decision. Appellant submitted a copy of a medical bill from Dr. Evans dated December 30, 1995, her check in payment for it, and a statement dated February 1, 1996 in which she disagreed with some of her supervisor's statements her supervisor made in her November 27, 1995 letter to the Office.

By decision dated February 13, 1996, the Office denied appellant's reconsideration request.

In its December 27, 1995 decision, the Office found that the evidence of record supported that the claimed events, incidents or exposures occurred at the times, places and in the manners alleged. The only medical evidence the record contains is Dr. Evans' disability note dated October 19, 1995 in which Dr. Evans stated that appellant was unable to return to work until

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<sup>3</sup> See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

October 19, 1995.<sup>4</sup> His disability note does not provide a diagnosis or address causation and therefore is insufficient to establish appellant's claim. There is no other medical evidence in the record. The copies of appellant's medical bills from Dr. Evans, sheets of clock rings and work hours and appellant's statement are not probative on the issue of causation. Although the Office provided appellant with an opportunity to submit the appropriate evidence, appellant did not respond. Appellant has therefore presented insufficient evidence to establish her claim.

Accordingly, the decisions of the Office of Workers' Compensation Programs dated February 13, 1996 and December 27, 1995 are hereby affirmed.

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

Michael J. Walsh  
Chairman

George E. Rivers  
Member

A. Peter Kanjorski  
Alternate Member

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<sup>4</sup> Appellant submitted medical reports from Dr. Evans after the Office issued its February 13, 1996 decision which may not be reviewed by the Board since they were not before the Office prior to its issuing its decision; *see Couch v. Department of the Army*, 41 ECAB 548, 553 (1990).