

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JUDY L. KLEEB and DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE, Ogden, Utah

*Docket No. 96-1968; Submitted on the Record;
Issued May 21, 1998*

DECISION and ORDER

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

The issue is whether appellant has established a right elbow condition causally related to her federal employment.

On January 23, 1996 appellant, a mail clerk, filed a claim alleging that she sustained tendinitis of the right elbow causally related to her federal employment. Appellant indicated that she constantly was bending and extending her elbow in the performance of her duties. In an accompanying narrative statement, appellant also indicated that she sustained injury to her left wrist as a result of her employment duties. The Office advised appellant by letter dated February 29, 1996 that she must submit additional evidence to establish her claim, including a comprehensive medical report. Appellant submitted a form report dated January 17, 1996 from Dr. Michael R. DiBenedetto, an orthopedic surgeon, diagnosing right tennis elbow and extensor tenosynovitis. By decision dated April 25, 1996, the Office denied the claim on the grounds that the evidence failed to establish causal relationship between the claimed conditions and her federal employment.

The Board finds that appellant has not established an injury causally related to her federal employment.

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 Victor J. Woodhams, 41 ECAB 345 (1989).

The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.² Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.³

In this case, appellant identified employment factors as contributing to a right elbow and left wrist condition, but the medical evidence is not sufficient to establish causal relationship between a diagnosed condition and the identified employment factors. The January 17, 1996 report from Dr. DiBenedetto does not provide an opinion on causal relationship, nor is there any probative medical evidence of record on the issue.⁴ Accordingly, the Board finds that appellant has failed to meet her burden of proof in this case.

The decision of the Office of Workers' Compensation Programs dated April 25, 1996 is affirmed.

Dated, Washington, D.C.
May 21, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

² See *Walter D. Morehead*, 31 ECAB 188 (1979).

³ *Manuel Garcia*, 37 ECAB 767 (1986).

⁴ The Board notes that additional evidence was submitted after the April 25, 1996 Office decision. The Board is limited to a review of the evidence that was before the Office at the time of its final decision; see 20 C.F.R. § 501.2(c).