

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SHERRY L. JORDAN-TAYLOR and U.S. POSTAL SERVICE,
POST OFFICE, Norfolk, Va.

*Docket No. 97-466; Submitted on the Record;
Issued November 5, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has established that she sustained a foot condition causally related to her federal employment.

On January 29, 1996 appellant, a letter carrier, filed a claim alleging that she sustained plantar fasciitis and bunions causally related to her federal employment. In a narrative statement, appellant indicated that standing, walking, and carrying mail contributed to her foot condition. By decision dated May 31, 1996, the Office denied the claim, finding that the medical evidence was not sufficient to establish causal relationship with employment. In a decision dated July 25, 1996, the Office denied a request for reconsideration without review of the merits of the claim.

The Board has reviewed the record and finds that appellant has not established a foot condition causally related to factors of 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 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

¹ *Victor J. Woodhams*, 41 ECAB 345 (1989).

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

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 standing, walking, and carrying mail as contributing to a foot condition. In order to meet her burden of proof, appellant must submit probative evidence establishing causal relationship between the identified factors and a diagnosed condition. In a report dated October 24, 1995, Dr. James H. Steinberg, a podiatrist, diagnosed hallux valgus and plantar fasciitis, without discussing causal relationship with employment. Treatment notes from Dr. Steinberg indicate that appellant underwent foot surgery on October 26, 1995. In a report dated November 21, 1995, Dr. Steinberg recommended that appellant find another position within the employing establishment, noting that she had undergone bilateral foot surgery and that "letter carrying would not be in her best interest with the weight and strain put upon her feet." Dr. Steinberg does not provide a reasoned opinion, based on a complete background, that appellant's foot condition was causally related to the identified employment factors. It is appellant's burden to establish her claim, and the Board finds she did not meet her burden of proof in this case.⁴

The decisions of the Office of Workers' Compensation Programs dated July 25 and May 31, 1996 are affirmed.

Dated, Washington, D.C.
November 5, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott

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

⁴ The record does contain an additional medical report received after the July 25, 1996 Office decision; the Board is unable to review this evidence because the Board is limited to review of evidence that was before the Office at the time of its final decision. 20 C.F.R § 501.2(c).

Alternate Member