

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LUANN CARTWRIGHT and U.S.POSTAL SERVICE,
POST OFFICE, Erie, Pa.

*Docket No. 97-921; Submitted on the Record;
Issued November 10, 1998*

DECISION and ORDER

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

The issue is whether appellant met her burden of proof in establishing that she developed back, neck and hand pain due to factors of her federal employment.

The Board had duly reviewed the case on appeal and finds that appellant failed to meet her burden of proof in establishing that she developed back, neck and hand pain due to factors of her federal employment.

Appellant filed a notice of occupational disease on March 19, 1993, alleging on February 20, 1993 she first became aware of her back, neck and hand pain and related it to factors of her federal employment.¹ By decision dated February 8, 1994, the Office of Workers' Compensation Programs denied appellant's claim finding that she failed to establish fact of injury. Appellant requested an oral hearing and by decision dated August 22, 1994 and finalized August 24, 1994, the hearing representative vacated the Office's February 8, 1994 decision and remanded the case for further development of the medical evidence. After further development, the Office denied appellant's claim by decision dated October 25, 1994. Appellant again requested an oral hearing and by decision dated March 20, 1995 and finalized March 21, 1995, the hearing representative vacated the Office's October 25, 1994 decision and remanded it for further development. The Office denied appellant's claim on April 27, 1995 and appellant requested an oral hearing and by decision dated May 10, 1996, the hearing representative found that the medical evidence was not sufficient to meet appellant's burden of proof. Appellant requested reconsideration and by decision dated October 2, 1996, the Office denied modification of the May 10, 1996 decision.

¹ Appellant's initial claim also attributed arm and leg pain as well as an emotional condition to factors of her federal employment. However, during her oral hearing on October 27, 1995, appellant's representative stated her claim was limited to her back, neck and hand conditions.

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. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.²

In this case, the Office denied appellant's claim as the medical evidence did not establish a causal relationship between her employment duties of pulling or pushing mail carts and throwing or lifting mail and her diagnosed conditions of acute and chronic cervical and lumbar sprains. In support of her claim, appellant submitted several reports from Dr. Michael J. Larkin, a Board-certified orthopedic surgeon. On April 4, 1993 Dr. Larkin provided a diagnosis and stated that appellant reported injuring herself at work using a pulling tool, lifting bags and pulling heavy carts. Dr. Larkin noted that appellant stated that she was injured at work and concluded to the best of his medical certainty, that her sprains were caused by the work-related duties, which appellant stated that she had. This report is not sufficient to meet appellant's burden of proof as Dr. Larkin did not provide any medical rationale explaining how appellant's work duties of pulling, pushing, lifting and throwing over a period of time resulted in her diagnosed conditions. As this report lacks the medical reasoning to support Dr. Larkin's opinion on causal relationship it is not sufficient to meet appellant's burden of proof.

In reports dated October 3, 1994 and April 13, 1995, Dr. Larkin stated he could not determine whether appellant's conditions were work-related. As Dr. Larkin did not offer an opinion on the causal relationship between appellant's diagnosed condition and employment duties, these reports are not sufficient to meet appellant's burden of proof.

Dr. Larkin completed a report on November 20, 1995 and stated that appellant's condition could occur while moving mail. He stated, "Certainly moving heavy objects could caused the injuries that she had. I believe her work environment was such that this could have caused the injury." This report is not sufficient to meet appellant's burden of proof as Dr. Larkin did not provide a clear opinion that appellant's condition was due to her employment duties and did not provide medical rationale explaining how and why she would develop strains over a period of time longer than one work shift.

As appellant has failed to submit the necessary medical opinion evidence to establish a causal relationship between her diagnosed condition and her employment she has failed to meet her burden of proof and the Office properly denied her claim.

² *Lourdes Harris*, 45 ECAB 545, 547 (1994).

The decisions of the Office of Workers' Compensation Programs dated October 2 and May 10, 1996 are hereby affirmed.

Dated, Washington, D.C.
November 10, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member