

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of PAUL C. CARRANZA and U.S. POSTAL SERVICE,  
POST OFFICE, Corpus Christi, Tex.

*Docket No. 97-836; Submitted on the Record;  
Issued October 26, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof to establish that he sustained an injury in the performance of duty causally related to factors of his federal employment.

The Board has duly reviewed the case record and finds that appellant has not met his burden of proof to establish that he sustained an injury in the performance of duty causally related to factors of his federal employment.

On April 16, 1996 appellant filed an occupational disease claim alleging that he sustained stress on his feet caused by walking 23 miles per day 6 days per week in the performance of his federal employment. By decision dated September 18, 1996, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the evidence of record failed to establish that an injury was sustained as alleged. The Office found that appellant had not established that the claimed events, incidents or exposures occurred at the times, places and in the manners alleged and that he did not establish that a medical condition resulted from the accepted trauma or exposure.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his claim, including the fact 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>2</sup>

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

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

factual statement identifying the 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 claimant.<sup>3</sup> The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.<sup>4</sup> 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 the claimant'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,<sup>5</sup> must be one of reasonable medical certainty,<sup>6</sup> and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>7</sup> The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.<sup>8</sup>

The Board initially finds that appellant has submitted sufficient evidence to support the occurrence of the employment factors claimed to have caused his condition. Appellant submitted a statement dated September 10, 1996, received by the Office on September 16, 1996, in which he described in detail the problems with his foot and ankle he experienced after walking for long periods on his route. Thus, the Board finds that appellant has sufficiently identified the employment factors believed to have caused or contributed to the presence or occurrence of his condition.

The Board finds, however, that the medical evidence submitted by appellant is not sufficient to establish his claim as it does not include a well-rationalized medical opinion relating his foot condition to employment factors.<sup>9</sup> In support of his claim, appellant submitted office visit notes dated May through July 1996 from Dr. Charles W. Breckenridge, an orthopedic surgeon. In a report dated May 2, 1996, Dr. Breckenridge discussed appellant's complaints of right ankle pain and noted that he "has a history of ankle sprain and during his normal work

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<sup>3</sup> *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>4</sup> The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may be dispensed with to establish a claim; *see Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not a case of obvious causal connection.

<sup>5</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>6</sup> *See Morris Scanlon*, 11 ECAB 384-85 (1960).

<sup>7</sup> *See William E. Enright*, 31 ECAB 426, 430 (1980).

<sup>8</sup> *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

<sup>9</sup> *See Arlonia B. Taylor*, 44 ECAB 591 (1993) (finding that a medical report not containing rationale on causal relation is entitled to little probative value).

duties he walks approximately 23 miles per day.” He diagnosed an osteochondral lesion and recommended arthroscopic debridement. In an office visit note dated May 9, 1996, Dr. Breckenridge related that appellant complained of swelling of the ankle with ambulation and diagnosed a right ankle osteochondral lesion and possible secondary synovitis of the ankle joint. In these reports, however, Dr. Breckenridge does not address whether the diagnosed conditions are causally related to appellant’s employment and, therefore, the reports are insufficient to meet appellant’s burden of proof.

In a follow-up report dated June 6, 1996, Dr. Breckenridge noted that appellant was post-right ankle arthroscopic debridement. He noted that appellant’s work required walking and stated that “extensive walking can be associated with synovitis of the ankle and this could have aggravated his condition.” However, Dr. Breckenridge’s opinion that extensive walking “could have” aggravated appellant’s condition is equivocal and speculative in nature and consequentially of diminished probative value.<sup>10</sup>

The record further contains follow-up reports dated June 20, July 5 and August 6, 1996, in which Dr. Breckenridge noted appellant’s continued improvement following his right ankle arthroscopic debridement; however, as Dr. Breckenridge does not discuss causation these reports are of little probative value regarding the issue in the present case.

In a report dated April 29, 1996, Dr. Eric W. Hirsch, a Board-certified orthopedic surgeon, related that appellant complained of pain and swelling in his right foot and ankle and noted that he worked as a letter carrier. He discussed appellant’s 1970 right ankle injury and resulting problems, which had “gotten a lot worse with his walking lately.” Dr. Hirsch diagnosed an osteochondral lesion on the talus and possibly loose fragments in the joint. Dr. Hirsch did not provide an opinion that appellant’s diagnosed condition was due to employment factors and thus his opinion is insufficient to establish appellant’s claim.<sup>11</sup>

An award of compensation may not be based upon surmise, conjecture or speculation or upon appellant’s belief that there is a causal relationship between his condition and his employment.<sup>12</sup> To establish causal relationship, appellant must submit a physician’s report, in which the physician reviews the factors of employment identified by appellant as causing his condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant’s medical history, state whether these employment factors caused or aggravated appellant’s diagnosed condition.<sup>13</sup> Appellant failed to submit such evidence and, therefore, failed to discharge his burden of proof.

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<sup>10</sup> *William S. Wright*, 45 ECAB 498 (1994).

<sup>11</sup> *See Charles H. Tomaszewski*, 39 ECAB 461, 467-68 (1988) (finding that medical evidence which does not offer any opinion regarding the cause of an employee’s condition is of limited probative value on the issue of causal relationship).

<sup>12</sup> *William S. Wright*, *supra* note 10.

<sup>13</sup> *Id.*

The decision of the Office of Workers' Compensation Programs dated September 18, 1996 is hereby affirmed.

Dated, Washington, D.C.  
October 26, 1998

Michael J. Walsh  
Chairman

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member