

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ANTONIA SCOTTINO and U.S. POSTAL SERVICE,  
POST OFFICE, Dallas, Tex.

*Docket No. 97-2900; Submitted on the Record;  
Issued June 8, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
WILLIE T.C. THOMAS

The issue is whether appellant has established that she sustained an injury to her back or arms causally related to factors of her federal employment.

In the present case, appellant filed a notice of occupational disease and claim for compensation (Form CA-2) on September 18, 1996 alleging that casing mail over a five-day period had injured her back and caused pain and swelling in her arms. By decision dated February 5, 1997, the Office of Workers' Compensation Programs denied the claim on the grounds that the medical evidence was insufficient to establish that appellant sustained an injury as alleged. In a decision dated February 28, 1997, the Office determined that appellant's request for reconsideration was insufficient to warrant merit review of the claim.

The Board has reviewed the record and finds that appellant did not meet her burden of proof in establishing 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.<sup>1</sup> 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.<sup>2</sup> Neither the fact that

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<sup>1</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>2</sup> *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.<sup>3</sup>

In the present case, appellant has identified casing mail over a five-day period prior to September 18, 1996 as contributing to a back and arm injury.<sup>4</sup> It is her burden to submit probative medical evidence on causal relationship between the identified employment factors and a diagnosed condition. The evidence of record does not contain a reasoned medical opinion on causal relationship. An emergency room report dated September 18, 1996 contains a diagnosis of low back muscle pain and records in its history that appellant does a lot of twisting at work. There is no further description of the identified employment factors, nor is there a reasoned medical opinion from and a physician relating the casing of mail over a five-day period to a diagnosed injury.

The remainder of the medical evidence consists of form reports from 1992 and computerized tomography scans of the spine dated January 29, 1997, which do not contain a relevant opinion on the issue presented. Accordingly, the Board finds that appellant has failed to submit probative medical evidence establishing a back or arm injury causally related to the identified employment factors, and the Office properly denied her claim.

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<sup>3</sup> *Manuel Garcia*, 37 ECAB 767 (1986).

<sup>4</sup> Although appellant asserted on appeal that the claim should have been treated as a recurrence of a prior injury, if appellant is attributing her condition to new employment incidents, a new occupational claim is appropriate; *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.3 (January 1995).

The decisions of the Office of Workers' Compensation Programs dated February 28 and February 5, 1997, are affirmed.

Dated, Washington, D.C.  
June 8, 1999

Michael J. Walsh  
Chairman

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member