

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of PEDRO E. ONALDO and U.S. POSTAL SERVICE,  
AIRPORT MAIL FACILITY, Jamaica, NY

*Docket No. 98-1947; Submitted on the Record;  
Issued November 26, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof to establish that he sustained a back injury in the performance of duty.

The Board finds that appellant did not meet his burden of proof to establish that he sustained a back injury in the performance of duty.

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 the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, 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 are causally related to the employment injury.<sup>2</sup> These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</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 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

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

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

<sup>3</sup> *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. 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, must be one of reasonable medical certainty, 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>4</sup>

On January 27, 1997 appellant, then a 46-year-old mail clerk, filed a claim alleging that he sustained a recurrence of disability on January 9, 1997 due to an October 17, 1995 employment injury.<sup>5</sup> Appellant indicated that his condition was caused by lifting mail and pushing mail containers weighing 600 to 700 pounds.<sup>6</sup> The Office of Workers' Compensation Programs properly treated appellant's claim as a claim for a new occupational injury in that he asserted that new employment factors brought about his claimed condition. By decision dated May 5, 1998, the Office denied appellant's claim on the grounds that he did not submit sufficient medical evidence to establish that he sustained an injury in the performance of duty.

The Board notes that appellant did not submit sufficient medical evidence to establish that he sustained a back injury in the performance of duty.

Appellant submitted reports, dated January 10 and 27 and March 3, 1997, in which Dr. Surendranath Reddy, an attending Board-certified orthopedic surgeon, indicated that he had a back condition, including a herniated disc, and was disabled for the period January 10 to 21, 1997. Dr. Reddy noted that appellant reported a work injury on January 9, 1997, but he did not provide any opinion that his condition was related to employment factors. These reports, therefore, are of limited probative value on the relevant issue of the present case in that they do not contain an opinion on causal relationship.<sup>7</sup>

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<sup>4</sup> *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

<sup>5</sup> Appellant sustained a low back injury at work on October 17, 1995 and worked light duty from December 4, 1995 to April 21, 1996.

<sup>6</sup> Appellant stopped work on January 10, 1997 and returned to work on January 22, 1997.

<sup>7</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). By letter dated March 11, 1998, the Office provided Dr. Reddy 30 days to submit a supplemental report, but no such report was received within the allotted time.

The decision of the Office of Workers' Compensation Programs dated May 5, 1998 is affirmed.

Dated, Washington, D.C.  
November 26, 1999

Michael J. Walsh  
Chairman

George E. Rivers  
Member

Bradley T. Knott  
Alternate Member