

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DORIS JENNINGS and U.S. POSTAL SERVICE,  
POST OFFICE, Houston, TX

*Docket No. 99-424; Submitted on the Record;  
Issued April 25, 2000*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
BRADLEY T. KNOTT

The issue is whether appellant sustained a recurrence of disability for the period December 19, 1997 through March 2, 1998 on the grounds that the evidence of record was insufficient to establish total disability causally related to her October 15, 1996 employment injury.

The Board has duly reviewed the case record in this appeal and finds that the Office of Workers' Compensation Programs properly denied appellant's claim for compensation on account of traumatic injury or occupational disease for the period December 19, 1997 through March 2, 1998 on the grounds that the evidence of record was insufficient to establish total disability causally related to her October 15, 1996 employment injury.

On October 17, 1996 appellant, then a 51-year-old letter carrier, filed a traumatic injury claim (Form CA-1) alleging that on October 15, 1996 she injured her right shoulder, arm, hand, leg and foot while removing mail from the back of a vehicle. Appellant stated that, as she lifted a bucket of mail to exit the vehicle, her foot slipped on the side of a speed bump, which caused her to fall backwards to the ground. Appellant did not stop work.

By decision dated January 9, 1997, the Office found the evidence of record sufficient to establish that the claimed accident occurred at the time, place and in the manner alleged, but insufficient to establish that appellant sustained a medical condition in connection with the accepted accident. In an undated letter, appellant requested an oral hearing before an Office representative.

By decision dated January 2, 1998, the hearing representative found the medical evidence of record sufficient to establish that appellant sustained a cervical strain on October 15, 1996. Accordingly, the hearing representative reversed the Office's January 9, 1997 decision.<sup>1</sup>

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<sup>1</sup> In a January 15, 1998 letter, the Office advised appellant that her claim was accepted for a resolved cervical

On April 27, 1998 appellant filed a claim for compensation on account of traumatic injury or occupational disease (Form CA-7) alleging that she was totally disabled during the period December 19, 1997 through March 2, 1998 due to the October 15, 1996 employment injury.<sup>2</sup>

In a July 27, 1998 letter, the Office advised appellant to submit medical evidence supportive of her claim.

By decision dated September 21, 1998, the Office found that the medical evidence of record was insufficient to establish that appellant was totally disabled during the period December 19, 1997 through March 2, 1998.<sup>3</sup>

An employee seeking benefits under the Federal Employees' Compensation Act<sup>4</sup> has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an "employee of the United States" within the meaning of the Act and that the claim was filed within the applicable time limitation of the Act.<sup>5</sup> The claimant also has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of the employment. As part of this burden, the claimant must present rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, establishing causal relationship.<sup>6</sup>

In this case, appellant has failed to submit rationalized medical evidence establishing that she was totally disabled during the period December 19, 1997 through March 2, 1998 due to her October 15, 1996 employment injury. The only medical evidence of record which addressed the issue of disability during the above period is an attending physician's report (Form CA-20) from Dr. J. Anthony Walter, a Board-certified orthopedic surgeon. In this medical report, Dr. Walter stated that appellant had cervical pain radiating down both of her shoulders and arms and diagnosed cervical radiculopathy and bilateral carpal tunnel syndrome. He indicated that appellant's conditions were caused or aggravated by an employment activity by placing a check mark in the box marked "yes." Dr. Walter further indicated that the period of appellant's total disability was December 19, 1997 through March 2, 1998. He also indicated that appellant was on light duty during this period. The Board has held that an opinion on causal relationship which

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strain.

<sup>2</sup> The record reveals that appellant underwent carpal tunnel release on December 19, 1997.

<sup>3</sup> Subsequent to the Office's September 21, 1998 decision, the Office received medical evidence. The Board notes that, on appeal, appellant has submitted additional evidence. The Board, however, cannot consider evidence that was not before the Office at the time of the final decision; *see Dennis E. Maddy*, 47 ECAB 259 (1995); *James C. Campbell*, 5 ECAB 35 (1952); 20 C.F.R. § 501.2(c)(1).

<sup>4</sup> 5 U.S.C. §§ 8101-8193.

<sup>5</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>6</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

consists only of a physician checking “yes” to a medical form report question on whether the claimant’s disability was related to the history is of diminished probative value. Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.<sup>7</sup> Inasmuch as Dr. Walter did not provide any medical rationale explaining the causal relationship between appellant’s conditions and her October 15, 1996 employment injury, his report is of diminished probative value. Further, Dr. Walter’s medical report is not based on an accurate history of appellant’s employment injury because he indicated that appellant was on light duty while the employing establishment stated in a July 17, 1998 memorandum that appellant did not request light-duty work and if appellant had requested such work, then she would have been given a light-duty assignment. The Board finds that Dr. Walter’s medical report is insufficient to establish that appellant was totally disabled from work.

Inasmuch as appellant has failed to submit rationalized medical evidence establishing that she was totally disabled during the period December 19, 1997 through March 1, 1998 due to her October 15, 1996 employment injury, she has failed to satisfy her burden of proof.

The September 21, 1998 decision of the Office of Workers’ Compensation Programs is hereby affirmed.

Dated, Washington, D.C.  
April 25, 2000

Michael J. Walsh  
Chairman

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

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<sup>7</sup> *Lucrecia M. Nielsen*, 42 ECAB 583, 594 (1991).