

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of NATHAN E. HERRINGTON and U.S. POSTAL SERVICE,
POST OFFICE, Fremont, CA

*Docket No. 00-519; Submitted on the Record;
Issued December 15, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, PRISCILLA ANNE SCHWAB,
VALERIE D. EVANS-HARRELL

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

On July 2, 1999 appellant, then a 43-year-old claims clerk, filed a notice of occupational disease alleging that tendonitis in his right elbow and left wrist and thumb were caused by work factors.

By letter dated July 20, 1999, the Office of Workers' Compensation Programs requested that appellant submit medical records pertaining to his injury, including dates of examination and treatment, history of injury as given by appellant to the doctor, a detailed description of findings, results of x-rays and laboratory tests and diagnosis and clinical treatment. The Office also requested a comprehensive medical report and opinion on how the reported work factors caused or aggravated the claimed injury.

In medical reports dated July 13, August 3 and 18, 1999, Dr. E. Trent Andrews stated that, appellant had pain in his left forearm, left wrist and medial epicondyle of the right elbow. He noted that appellant had muscle strain of the intramuscular process. Appellant was placed on medication and his left wrist and thumb were placed in a contour splint. Later, Dr. Andrews stated that appellant still had pain in his left forearm and wrist. Appellant was symptomatic while using the splint at work. He was instructed to stay off work or restrict his left-handed activities.

By decision dated September 9, 1999, the Office denied appellant's claim on the grounds that, as none of the medical reports established a causal relationship between appellant's condition and his employment, fact of injury was not established.

By letter dated September 29, 1999, appellant requested reconsideration and submitted a September 23, 1999 medical report from Dr. Andrews. He stated that the pain in appellant's right elbow epicondyle started in February 1999, but by the time Dr. Andrews saw appellant in

June 1999, he had tenosynovitis of the left wrist, pain in the left forearm, pain in the first ray of the left hand and pulling in the neck and shoulder as well as epicondylitis in the right elbow. He then noted that appellant was in physical therapy, which was suggestive of relief. Dr. Andrews concluded that appellant's conditions were caused by repetitive motions of both upper extremities, producing lateral epicondylitis of the right elbow, tenosynovitis of the tendons in his left wrist, fasciitis of the left forearm and muscle strain in the neck and shoulders. The repetitive motions of his job requirements caused his conditions.

By merit decision dated October 12, 1999, the Office denied appellant's request for reconsideration, finding that Dr. Andrews's September 23, 1999 medical report failed to provide objective findings to support his diagnoses or his opinion on causal relationship. The Board finds that appellant has failed to meet his burden of proof in establishing that he sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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, that the claim was timely filed within the applicable time limitation 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.² These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

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 a 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.³

The medical evidence required to establish causation, generally, 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.⁴

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

In this case, appellant failed to submit a rationalized medical opinion to establish the causal relationship between his conditions and factors of his federal employment. Dr. Andrews failed to provide any objective findings to support either his diagnoses of epicondylitis and tenosynovitis or his conclusion that repetitive motions in appellant's job caused these conditions. Further, Dr. Andrews did not identify specific work activities or address the fact that repetitive motions were required for only an hour or two each day.

Dr. Andrews neither elaborated on the etiology of appellant's multiple soft-tissue conditions nor provided a rationale for his conclusions that all of appellant's conditions were causally related to his employment. Absent a rationalized medical opinion establishing that appellant's conditions were causally related to or aggravated by factors of his federal employment, the Office properly denied compensation.

The decisions of the Office of Workers' Compensation Programs dated October 12 and September 9, 1999 are hereby affirmed.

Dated, Washington, DC
December 15, 2000

Michael J. Walsh
Chairman

Priscilla Anne Schwab
Alternate Member

Valerie D. Evans-Harrell
Alternate Member