

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBERT P. STAFFORD and U.S. POSTAL SERVICE,
POST OFFICE, Clarkdale, AZ

*Docket No. 00-746; Submitted on the Record;
Issued December 27, 2000*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant's current left foot condition is causally related to his March 2, 1973 employment injury.

The Board has given careful consideration to the issue involved, contentions of the parties on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated November 23, 1999 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ A claimant seeking compensation under the Federal Employees' Compensation Act, 5 U.S.C. § 8101 *et seq.*, has the burden of establishing the essential elements of his claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is being claimed is causally related to the employment injury. *See Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996); *Melinda C. Epperly*, 45 ECAB 196 (1993); *Elaine Pendleton*, 40 ECAB 1143 (1989). Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence. *Robert G. Morris*, 48 ECAB 238-39 (1996). In the instant case, appellant failed to meet his burden of demonstrating that his claimed left foot condition is causally related to his March 2, 1973 employment injury, which was accepted for comminuted fracture of left calcaneus.

The November 23, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.²

Dated, Washington, DC
December 27, 2000

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

² The record on appeal includes evidence that was not submitted to the Office prior to the issuance of its November 23, 1999 decision. Inasmuch as the Board's review is limited to the evidence of record that was before the Office at the time of its final decision, the Board cannot consider appellant's newly submitted evidence. 20 C.F.R. § 501.2(c).