

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RONALD RITCHIE and U.S. POSTAL SERVICE,
POST OFFICE, Dayton, OH

*Docket No. 98-1769; Submitted on the Record;
Issued February 9, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether the degenerative joint disease and bone spur in appellant's left ankle are causally related to his federal employment.

The Board has duly reviewed the record on appeal and finds that the evidence fails to establish causal relationship.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.²

Causal relationship is a medical issue,³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete

¹ 5 U.S.C. §§ 8101-8193.

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); see also 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. §§ 10.5(a)(15)-.5(a)(16) ("traumatic injury" and "occupational disease or illness" defined).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

factual and medical background of the claimant,⁴ must be one of reasonable medical certainty,⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁶

In her March 5, 1998 decision, the Office of Workers' Compensation Programs' hearing representative noted that appellant had filed an occupational injury claim stating that the years of "pounding the pavement" on top of repeated sprains and fractures to his left ankle had caused the bone spurs and degenerative joint disease diagnosed by the many physicians who had examined him. Noting that there was no disagreement that appellant had been a letter carrier for many years and that for most of the last few years he had worked inside casing mail, the hearing representative found that the facts surrounding appellant's job duties, including prolonged walking and standing with delivering and casing mail over the years, were accepted.

The hearing representative found, however, that the medical evidence failed to support that appellant's diagnosed degenerative joint disease and bone spurs were causally related to the duties identified. The Board has reviewed the record and can find no medical opinion evidence explaining how appellant's degenerative joint disease and bone spur condition were caused or aggravated by appellant's employment duties or past employment injuries.

On March 28, 1997 the Office attempted to secure such an opinion from Dr. Peter A. Sambol, appellant's attending osteopathic physician and surgeon. The Office provided a statement of accepted facts and requested that Dr. Sambol submit a detailed, reasoned, narrative report on how the degenerative changes and bone spur shown by x-ray were causally related to accepted employment factors. Dr. Sambol's April 26, 1997 report, however, was not responsive. The Board also notes that at the January 14, 1998 hearing appellant's representative appeared to recognize that the medical evidence was not sufficient to establish causal relationship. He requested that the record be held open so that he could obtain additional medical opinion evidence from Dr. Sambol. The hearing representative granted the request and allowed appellant's representative no more than 40 days to obtain the additional evidence. By March 5, 1998, the Office received no response and, therefore, issued its decision denying appellant's claim.⁷

Because the record contains no reasoned medical opinion evidence establishing that the degenerative joint disease and bone spur in appellant's left ankle are causally related to his employment duties or past employment injuries, appellant has not met his burden of proof to establish his claim.

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

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ The Office received a report from Dr. Sambol on May 8, 1998. Because this evidence was not before the Office when it issued its March 5, 1998 decision, the Board has no jurisdiction to review it. 20 C.F.R. § 501.2(c).

Dated, Washington, D.C.
February 9, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member