

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VALERIA FARRIES and U.S. POSTAL SERVICE,
POST OFFICE, Birmingham, AL

*Docket No. 98-1672; Submitted on the Record;
Issued January 6, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury in the performance of duty, causally related to factors of her federal employment.

The Board has reviewed the case record in the present appeal and finds that the Office of Workers' Compensation Programs properly determined that appellant failed to meet her burden of proof in establishing that she sustained an injury in the performance of duty causally related to factors of her federal employment.

On January 2, 1998 appellant, a 38-year-old distribution clerk, filed an occupational disease claim (Form CA-2) alleging that she experienced swelling in her legs and feet while in the performance of her assigned duties. She stated that she initially became aware of the swelling in March 1995 and that she related it to her employment factors in January 1997. Appellant explained that for nine years she was required to stand and walk on concrete floors on a consistent basis to perform her duties and that she also sat for prolonged periods of time on adjustable stools, with one leg bent and the foot of her other leg flat on the floor, to accomplish the same goals. The record reveals that appellant was on light duty for the period April 24, 1997 through January 2, 1998 and placed on limited duty effective January 16, 1998. Appellant's claim form was accompanied by medical evidence.

By letter dated February 5, 1998, the Office advised appellant that the medical evidence she submitted was insufficient to establish that the edema of her legs and feet was causally related to factors of her federal employment. The Office requested that appellant submit rationalized medical evidence directly relating her claimed condition to her federal employment. It also requested that she describe nonemployment-related activities. The Office allotted appellant 30 days within which to submit the requested information. Appellant submitted a narrative statement describing activities outside of her federal employment.

By decision dated March 30, 1998, the Office denied appellant's claim, finding that as the submitted medical evidence was insufficient to establish that her leg edema was either caused or aggravated by her federal employment, she had not established an injury within the meaning of the Federal Employees' Compensation Act.¹

An employee seeking benefits under the Act 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 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.² These are the essential elements of each and every 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 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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish a causal relationship, 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

There is no dispute that appellant is a federal employee, that she timely filed her claim for compensation benefits and that she experienced edema about her feet and legs. However, appellant has not established that she sustained an injury as a result of her employment factors. In this regard, a medical note from the Emergency Department of Medical Center-Princeton, dated February 8, 1994, revealed that appellant should elevate her legs and decrease her salt intake. This form, however, does not constitute competent medical evidence, as it was devoid of a history of injury, findings on examination, a statement addressing causal relationship with

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143 (1989); *see also Daniel R. Hickman*, 34 ECAB 1220 (1983).

³ *Elaine Pendleton*, *supra* note 1; *see also Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Victor J. Woodhams*, *supra* note 3.

supporting medical rationale.⁵ Similarly, the July 24, 1995 medical certificate of Dr. Frederic G. Ransom, a Board-certified internist, indicating that appellant was excused from work during the period July 22 to 24, 1995 was also deficient for the foregoing reasons.

Although in his progress reports of December 24, 1996 and April 9, 1997, Dr. Ransom noted that appellant either directly related her edema to her federal employment or related it by aggravation, respectively, he offered up no opinion as to the nexus, if any, between appellant's claimed edema of the feet and legs and her federal employment. As the Board has held, a claimant's own unsupported assertion of an employment relationship is not proof of the fact.⁶ In his progress reports of August 17, September 26 and October 17, 1995 and attending physician's report (Form CA-20) of January 13, 1998, Dr. Ransom diagnosed venous insufficiency of the lower extremities as the basis for appellant's symptoms. However, in the August 17, September 26 and October 17, 1995 reports, he did not relate this condition to appellant's employment factors by direct cause, aggravation or precipitation. Moreover, Dr. Ransom did not identify any employment factors to which appellant attributed her condition. In the January 13, 1998 attending physician's report, he did indicate by a check mark that the diagnosed condition was employment related, however, Dr. Ransom did not provide any medical rationale explaining what in the nature of appellant's employment caused the edema and why it restricted her. Without any explanation or rationale, this report is of diminished probative value and insufficient to establish causal relationship.⁷ Additionally, he reported on January 12, 1997 that appellant suffered from venous insufficiency to the lower extremities and concluded that her "symptoms are aggravated by the necessity for having her legs dependent in connection with her employment." Dr. Ransom did not explain what he meant by this statement. He did not identify any employment factors and did not render an opinion as to what responsibilities in appellant's employment caused this debilitating condition.

Dr. Philip D. Walton, a physician with Henderson & Walton Women's Center who is Board-certified in obstetrics and gynecology, reported in a medical certificate dated July 25, 1995 that appellant came under his care on that date. Dr. Walton noted that appellant would be capable of resuming her duties on July 28, 1995 and indicated "legs/feet" as the diagnosis. The Board finds that this medical certificate did not constitute competent medical evidence for the same reasons espoused above for the medical note from the Emergency Department of Medical Center-Princeton and Dr. Ransom's July 24, 1995 medical certificate.

Appellant has not submitted any rationalized medical evidence to establish that she sustained an injury in the performance of duty causally related to factors of her federal employment. As such, she has failed to meet her burden of proof and the Office properly denied her claim.

The decision of the Office of Workers' Compensation Programs dated March 30, 1998, is hereby affirmed.

⁵ See *Barbara J. Williams*, 40 ECAB 649 (1989).

⁶ *Margaret A. Donnelley*, 15 ECAB 40 (1963).

⁷ *Barbara J. Williams*, *supra* note 5.

Dated, Washington, D.C.
January 6, 2000

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member