

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EDNA MAE GREEN and U.S. POSTAL SERVICE,
POST OFFICE, Capital Heights, MD

*Docket No. 98-2513; Submitted on the Record;
Issued June 6, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that her foot and ankle conditions were caused by factors of her federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet her burden of proof in establishing that she sustained an injury to her feet and ankles in the performance of duty.

On December 29, 1997 appellant, then a 59-year-old maintenance support clerk, filed a claim for occupational disease alleging that standing, constant walking and climbing stairs while carrying "items of significant weight" caused stress and pain to her feet and ankles. Appellant noted that she first realized the condition was caused by her employment on July 10, 1997.

By letter dated February 12, 1998, the Office of Workers' Compensation Programs advised appellant that she needed to submit additional information regarding her claim for occupational disease including a detailed narrative report containing a well-rationalized medical opinion as to the relationship between her federal employment and her present condition.

On April 13, 1998 appellant stated that her feet and ankle problems were caused by the "everyday working conditions and not due to my exposure to any foreign matter or condition."

In a chronology received by the Office on February 2, 1998, appellant stated that on June 15, 1996 she "started experiencing pain in both feet," that on July 27, 1996 Dr. Gina M. Soffo, a podiatrist, advised her that she had flat feet and should wear inserts in her shoes, and that she had sought additional medical treatment on July 15 and July 19, 1997.

By decision dated April 14, 1998, the Office denied appellant's claim on the grounds that the evidence submitted failed to establish that appellant sustained an injury in the performance of duty.

On April 19, 1998 appellant requested reconsideration. In support of her request, appellant submitted an unsigned July 29, 1997 treatment note referencing acute ankle pain of one year's duration. By nonmerit decision dated May 18, 1998, the Office denied appellant's request for review of the April 14, 1998 decision on the grounds that the evidence submitted in support of her request was immaterial and therefore insufficient to warrant a merit review.

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.¹

In this case, appellant alleged that standing, constant walking and climbing stairs while carrying weighted items caused stress and pain to her feet and ankles, and that she was diagnosed with flat feet and was advised to wear inserts in her shoes. However, appellant did not provide any factual evidence clarifying what employment duties caused her disability or medical evidence in support of her claim that her employment caused her medical condition. As noted, the treatment note referencing ankle pain was unsigned and thus is of no probative value in establishing her claim. With respect to her statement that she was diagnosed with flat feet, the record fails to disclose a medical report to support her statement.

In this case, the Office properly denied appellant's claim as appellant did not submit the necessary factual evidence clarifying what employment duties caused her disability, and did not submit the necessary medical evidence to establish that her condition after July 10, 1997 was caused by employment duties. On February 12, 1998 the Office requested that appellant detail the employment-related duties which contributed to her condition. Appellant was also requested to provide a comprehensive medical report from her physician which discussed with medical rationale the cause of her condition and an explanation, if possible, of how her working conditions contributed to her condition. Section 10.100(b) of the Office's regulations provides that an employee who claims compensation for an occupational disease or illness must submit a statement which includes: a detailed history of the illness; complete details of employment conditions believed to be responsible for the illness; a description of specific stressful conditions including locations, frequency and duration; and a description of any similar condition sustained by the employee. Appellant did not respond to this request by the Office to provide the factual or medical evidence necessary to adjudicate the claim.

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his or her claim, including that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition

¹ *Claudia A. Dixon*, 47 ECAB 168 (1995).

² 5 U.S.C. §§ 8101-8193.

for which compensation is claimed are causally related to the employment.³ Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused or aggravated by employment conditions is sufficient to establish causal relationship.⁴

As appellant did not submit the necessary factual and medical evidence to establish that her employment caused or aggravated her condition on or after July 10, 1997, appellant has not met her burden of proof in this case.

The decisions of the Office of Workers' Compensation Programs dated May 18 and April 14, 1998 are hereby affirmed.

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

George E. Rivers
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

³ See *Ruby I. Fish*, 46 ECAB 276 (1994).

⁴ *Id.*