

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARY L. WEST and U.S. POSTAL SERVICE,
POST OFFICE, Gary, IN

*Docket No. 98-2611; Submitted on the Record;
Issued March 8, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has established that she sustained an injury on April 27, 1998 in the performance of duty, causally related to factors of her federal employment.

On April 28, 1998 appellant, then a 37-year-old mail processor, filed a claim alleging that on April 27, 1998 she sustained a strained wrist while working on a delivery bar code sorter. She described the nature of her injury as "lump on left wrist." Appellant's supervisor indicated that his knowledge of the facts about the injury did not agree with appellant's statements, as she could not give accurate answers concerning the events of injury and as she did not know whether she was injured on the job or when it happened.

Appellant submitted several statements in support of her claim: on April 28, 1998 she stated, "I noticed a lump on my wrist April 27. The lump is very painful when lifting and pulling." Appellant also stated: " I do n[o]t know whether or not the lump was caused on the job. The doctor will determine whether or not [it is] job related. Do n[o]t know when the lump occurred as if I hit my left hand on anything. All I know the lump (cyst) is extremely painful."

A statement dated April 28, 1998 from appellant's supervisor, Tommy Hardaway, noted that appellant approached him that date and claimed that she was in need of medical attention because of a lump on her left wrist. He asked her if she was claiming an on-the-job injury and she replied "I guess so." Mr. Hardaway stated that he informed her that she would have to go to the emergency room and she replied she had reported the lump on April 27, 1998 to supervisor K. Nowatzke but declined medical attention because she did not want to sit in the emergency room for hours and because the pain was not severe. He noted that appellant was not sure whether the injury occurred on the job or not.

An April 28, 1998 statement from supervisor R. Martin noted that, when appellant returned from the emergency room, she stated that she was going to see her doctor and would be on light duty after seeing him. She also stated that she would not report to work due to her

on-the-job injury and when she was told that she must report she stated that then she would not do anything.

Additionally, appellant submitted an unsigned incomplete Form CA-17 which listed activity restrictions. The injury was described as “lump on left wrist.” A patient instruction sheet completed by a nurse was also submitted which noted a diagnosis of “ganglion cyst of the left wrist” and recommended a follow up with appellant’s family physician.

By letter dated June 17, 1998, the Office of Workers’ Compensation Programs requested further information including a description of how the injury occurred and a medical narrative containing a rationalized opinion supporting causal relation.

In response appellant provided a June 22, 1998 statement in which she claimed that she was at work when the injury occurred, that she worked on equipment which required constant wrist movement, that while working she felt sudden pain and that she informed her supervisor and “shortly went to the hospital.”

Also submitted was a work release form signed by Dr. Joseph F. Schwartz, a Board-certified orthopedic hand surgeon, which noted that appellant was under his care from “today,” that she was released to work “today” and that she “should be allowed to wear splint at work if needed.” He diagnosed a ganglion cyst.

Additionally submitted was a pamphlet from the Indiana Hand Clinic regarding ganglion cysts.

By decision dated July 20, 1998, the Office rejected appellant’s claim finding that she failed to establish that her condition was causally related to factors of her employment. The Office found that the medical evidence submitted failed to discuss causal relation of appellant’s condition with any specific factors of her employment.

The Board finds that appellant has failed to establish that she sustained an injury on April 27, 1998 in the performance of duty, causally related to factors of her federal employment.

Appellant has the burden of establishing by the weight of reliable, probative and substantial evidence that the injury claimed was caused or aggravated by his or her federal employment.¹ As part of this burden, appellant must submit a rationalized medical opinion, based upon a complete and accurate factual and medical background, showing a causal relationship between the injury claimed and factors of his or her federal employment.² Causal relationship is a medical issue that can be established only by medical evidence.³ The Board

¹ *Elizabeth Pinero*, 46 ECAB 123 (1994). In this case, although the factual evidence of record does not convincingly establish that an injurious incident occurred on April 27, 1998 as alleged, the Office appears to have accepted the fact of employment as the incident and pursued a causal relationship inquiry.

² *Corlissia L. Sims (Smith)*; 46 ECAB 172 (1994); *Steven R. Piper*, 39 ECAB 312 (1987); see 20 C.F.R. § 10.110(a).

³ *Mary J. Briggs*, 37 ECAB 578 (1986); *Ausberto Guzman*, 25 ECAB 362 (1974).

notes that the fact that a condition manifests itself or worsens during a period of employment, or that work activities produce symptoms revelatory of an underlying condition, does not raise an inference of an employment relationship.⁴

In the instant case, appellant has not met this burden.

In support of her injury claim, appellant submitted an incomplete, unsigned CA-17 containing no evidence that it was even partially completed by a physician and giving no diagnosis or opinion on causal relation. Therefore, this report is not probative on the issue of causal relation.⁵

Also in support appellant submitted a patient instruction sheet signed by a nurse. The Board has held that the report of a nurse has no probative value as a nurse is not a physician under the Federal Employees' Compensation Act.⁶ Therefore this paperwork does not support appellant's claim.

Appellant further submitted a pamphlet from the Indiana Hand Clinic regarding ganglion cysts. The Board has frequently explained that newspaper clippings, medical texts, pamphlets and excerpts from publications are of no evidentiary value in establishing causal relationship between a claimed condition and an employee's federal employment as such materials are of general application and are not determinative of whether the specific condition claimed was related to the particular employment factors alleged by the employee.⁷ Therefore this pamphlet has no probative value in establishing appellant's claim.

Finally, appellant submitted a work release form signed by Dr. Schwartz which noted that appellant was released to work the day he saw her, that she should be allowed to wear a splint at work and that she had a ganglion cyst. This form did not address causal relationship with any factors of appellant's federal employment or with anything else for that matter. Consequently, this report is insufficient to establish that appellant's ganglion cyst diagnosed on April 28, 1998 had any relationship to appellant's federal employment.

As appellant has not submitted any probative, rationalized medical evidence supporting that her ganglion cyst diagnosed on April 28, 1998 was caused or aggravated by any specific factors of her federal employment, she has failed to meet her burden of proof to establish her claim.

Accordingly, the decision of the Office of Workers' Compensation Programs dated July 20, 1998 is hereby affirmed.

⁴ *Judith A. Peot*, 46 ECAB 1036 (1995); *Ruby I. Fish*, 46 ECAB 276 (1994); *Paul D. Weiss*, 36 ECAB 720 (1985); *Hugh C. Dalton*, 36 ECAB 462 (1985).

⁵ See generally *Donald W. Long*, 41 ECAB 142 (1989); *Birger Areskog*, 30 ECAB 571 (1979); see also 5 U.S.C. § 8101(2).

⁶ *Joseph N. Fassi*, 42 ECAB 677 (1991).

⁷ *George A. Johnson*, 43 ECAB 712 (1992); *Kathleen D. Walker*, 42 ECAB 603 (1991).

Dated, Washington, D.C.
March 8, 2000

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member