

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DOUGLAS W. DANCER and U.S. POSTAL SERVICE,
POST OFFICE, Fort Worth, TX

*Docket No. 99-627; Submitted on the Record;
Issued May 25, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that he sustained a wrist injury in the performance of duty.

On November 19, 1997 appellant, then a 44-year-old distribution clerk, filed a notice of occupational disease and claim for compensation, Form CA-2, alleging that his wrist injury was employment related. He stated that his wrist problem began after a 16-month layoff from the employment establishment, when, after this hiatus, he attempted to resume his job duties of sorting mail using continuous wrist motion. Appellant did not stop work.

In a November 25, 1997 letter, the employing establishment noted that appellant's layoff was due to a personal emotional illness.

In a letter dated July 10, 1998, the Office of Workers' Compensation Programs advised appellant of the type of factual and medical evidence needed to establish his claim and requested that he submit such evidence. The Office particularly requested that appellant submit a physician's reasoned opinion addressing the relationship of his claimed condition and specific employment factors.

On August 10, 1998 the Office issued a decision and denied appellant's claim for compensation under the Federal Employees' Compensation Act.¹ The Office found that the initial evidence did support the claimed employment factor, however, the evidence did not establish that a condition has been diagnosed in this connection.

The Board finds that appellant has not met his burden of proof in establishing that he sustained a wrist injury in the performance of duty.

¹ 5 U.S.C. §§ 8101-8193.

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 the 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) 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 claimant. The medical evidence required to establish causal relationship is generally 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

In the instant case, it is not disputed that appellant sorted mail as alleged. However, he has not submitted medical evidence to support that a condition has been diagnosed in connection with the employment factor and that any alleged wrist injury is causally related to the employment factors or conditions. On July 10, 1998 the Office advised appellant of the type of medical evidence needed to establish his claim. He did not submit such evidence addressing how specific employment factors may have caused or aggravated a wrist condition.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant’s condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.⁵ Causal relationships must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence, and the Office therefore properly denied appellant’s claim for compensation.

² *Joe Cameron*, 42 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

⁵ *See Victor J. Woodhams*, *supra* note 3.

The decision of the Office of the Workers' Compensation Programs dated August 10, 1998 is affirmed.

Dated, Washington, D.C.
May 25, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

A. Peter Kanjorski
Alternate Member