

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HOWARD KAHN and U.S. POSTAL SERVICE,
POST OFFICE, Jacksonville, NC

*Docket No. 99-946; Submitted on the Record;
Issued May 19, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

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

On October 14, 1998 appellant, a letter carrier, filed a notice of occupational disease and claim for compensation alleging that he sustained tendinitis while casing mail and withdrawing it from cases at work. Appellant further alleged that performing these duties caused him severe pain in his right arm and elbow. Appellant submitted a certificate to return to work dated October 19, 1998 that restricted him from lifting and performing repetitive movements of his right hand for two weeks.

By letter dated November 2, 1998, the Office of Workers' Compensation Programs informed appellant that it required medical evidence, which contained a diagnosis to support his claim that he sustained a work-related injury. The Office allotted appellant 30 days; however, no further evidence was submitted.¹

By decision dated December 10, 1998, the Office found the evidence of record insufficient to establish that appellant sustained an injury due to the claimed employment factor. Specifically, the Office found the evidence of record sufficient to establish that appellant experienced the claimed employment factor but insufficient to establish that a condition had been diagnosed due to the employment factor claimed.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet his burden of proof that he sustained tendinitis in the performance of duty.

¹ Appellant submitted additional medical evidence to the Office following the December 10, 1998 decision. The Board's jurisdiction is limited to a review of the medical evidence, which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Appellant is not precluded from submitting this evidence to the Office with a request for reconsideration.

An employee seeking benefits under the Federal Employees' Compensation 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 filed within the applicable time limitation 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 occupational disease.³

In an occupational disease claim such as this, claimant must submit: (1) medical evidence establishing the 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 disease; and (3) medical evidence establishing that the employment factors were the proximate cause of the disease or, stated differently, medical evidence that the diagnosed condition is causally related to the employment factors identified by claimant.⁴

The medical evidence required is generally rationalized medical opinion evidence which includes a physician's opinion of reasonable medical certainty based on a complete factual and medical background of the claimant and supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by claimant.⁵ Neither the fact that appellant's condition became apparent during a period of employment nor appellant's belief that the condition was caused by his employment is sufficient to establish a causal relationship.⁶

In this case, appellant has alleged that he sustained tendinitis due to casing mail and withdrawing it from cases at work; however, he has not submitted any medical evidence which provides a reasoned opinion on causal relationship between a diagnosed condition and the implicated employment factors. The medical evidence of record is therefore insufficient to establish a causal relationship between the claimed condition and factors of appellant's federal employment.⁷ Appellant's October 19, 1998 certificate to return to work was the only documentation submitted which briefly referred to his medical condition, and, it simply indicated that appellant was restricted from lifting and performing repetitive movements of his right hand. In the absence of a reasoned medical opinion, based on a complete background, or causal relationship between compensable employment factors and a diagnosed condition, there is insufficient evidence to establish appellant's claim.

² *Elaine Pendleton* 40 ECAB 1143, 1145 (1989).

³ *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

⁴ *Jerry D. Osterman*, 46 ECAB 500 (1995); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁵ *Victor J. Woodhams*, *supra* note 4.

⁶ *Kathryn Haggerty*, 45 ECAB 383, 389 (1994).

⁷ *Walter D. Morehead*, 31 ECAB 345 (1989).

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

Dated, Washington, D.C.
May 19, 2000

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member