

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of PETER S. BELATSKI, SR. and DEPARTMENT OF THE TREASURY,  
U.S. CUSTOMS SERVICE, Saint Albans, VT

*Docket No. 99-2558; Submitted on the Record;  
Issued November 3, 2000*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an injury in the performance of his duties on May 13, 1999, as alleged.

The Board has duly reviewed the record on appeal and finds that the evidence fails to establish that appellant sustained an injury in the performance of his duties.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of proof to establish the essential elements of his claim.<sup>2</sup> When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that, such event, incident or exposure caused an injury.<sup>3</sup>

In its July 23, 1999 decision, the Office of Workers' Compensation Programs found that the initial evidence of file supported that appellant actually experienced the claimed event. As a customs inspector, appellant assisted a Vermont transit passenger in moving a large amount of luggage from the bus to the inspection area on May 13, 1999. The question for determination is whether this event caused an injury.

Causal relationship is a medical issue,<sup>4</sup> and the medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> See *Margaret A. Donnelley*, 15 ECAB 40 (1963).

<sup>3</sup> See generally *John J. Carlone*, 41 ECAB 354 (1989); see also 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. § 10.5(a)(15)-.5(a)(16) ("traumatic injury" and "occupational disease or illness" defined).

<sup>4</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,<sup>5</sup> must be one of reasonable medical certainty<sup>6</sup> and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.<sup>7</sup>

The Office correctly found that appellant submitted no evidence from a qualified physician to establish the essential element of causal relationship. The Board has specifically held that a physician's assistant is not a "physician" within the meaning of the Act and is therefore not competent to give a medical opinion.<sup>8</sup> For this reason the notes or opinions of a physician's assistant have no probative value to establish that the employment incident of May 13, 1999 caused an injury.

Because appellant has failed to submit a well-reasoned medical opinion from a qualified physician explaining how the employment incident of May 13, 1999 caused a diagnosed medical condition, he has not discharged his burden of proof.

The July 23, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
November 3, 2000

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Member

Priscilla Anne Schwab  
Alternate Member

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<sup>5</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>6</sup> *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

<sup>7</sup> *See William E. Enright*, 31 ECAB 426, 430 (1980).

<sup>8</sup> *Guadalupe Julia Sandoval*, 30 ECAB 1491 (1979); *see* 5 U.S.C. § 8101(2) (the term "physician" includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors and osteopathic practitioners within the scope of their practice as defined by state law).