

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of TYLER T. THOMPSON and U.S. POSTAL SERVICE,
POST OFFICE, Kalispell, MT

*Docket No. 01-395; Submitted on the Record;
Issued August 24, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty causally related to factors of his federal employment.

The Board has duly reviewed the case record and finds that appellant failed to meet his burden of proof in establishing that he sustained an injury in the performance of duty causally related to his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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

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

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

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

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, generally, is 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

On August 10, 2000 appellant, then a 34-year-old distribution clerk, filed an occupational disease claim, alleging that he suffered pain and stiffness in his lower back and abdomen as a result of performing his duties. The Office of Workers' Compensation Programs denied appellant's claim on October 26, 2000 finding that the evidence of record failed to establish a causal relationship between a diagnosed condition and appellant's factors of employment.

The medical evidence in support of appellant's claim consists of August 14, and September 15, 2000 duty status reports by Dr. Kyle Weber, a Board-certified family practitioner, who diagnosed back pain and probable bulging disc.

On the duty status reports Dr. Weber failed to provide a history of injury or a firm diagnosis. Pain is only a symptom not a condition and no medical evidence was submitted to substantiate a bulging disc. Dr. Weber also failed to identify any employment factors that caused or contributed to a diagnosed condition or provide any medical rationale causally relating a diagnosed condition to factors of appellant's employment. Therefore, Dr. Weber's duty status reports are insufficient to establish appellant's occupational disease claim. By letter dated August 24, 2000, the Office advised appellant of the evidence needed to establish his claim, but such evidence was not received. The Board finds that the evidence of record is insufficient to meet appellant's burden of proof.

⁴ *Id.*

The decision dated October 26, 2000 of the Office of Workers' Compensation Programs is affirmed.⁵

Dated, Washington, DC
August 24, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

⁵ The Board notes that subsequent to the Office's October 26, 2000 decision appellant submitted additional evidence. This evidence was not previously considered by the Office prior to its decision of October 26, 2000 and cannot be considered by the Board. The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(a). Appellant may resubmit this evidence to the Office, together with a formal request for reconsideration, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606(b)(2).