

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of MARILYN BROADUS and U.S. POSTAL SERVICE,  
POST OFFICE, Irving, TX

*Docket No. 01-468; Submitted on the Record;  
Issued August 31, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained any disability after March 20, 2000 causally related to her accepted December 17, 1999 employment injury.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to establish a work-related disability after March 20, 2000.

On December 21, 1999 appellant, then a 44-year-old casual clerk, filed a traumatic injury claim alleging that, on December 17, 1999, while she was getting the mail out of an all-purpose container, an employee unlatched the next batch and let it drop on her foot. Appellant stopped work on December 17, 1999.<sup>1</sup>

On January 24, 2000 appellant filed a claim for compensation for December 17, 1999 through January 24, 2000.

By letter dated February 23, 2000, the Office of Workers' Compensation Programs accepted appellant's claim for a contusion of the right foot.

In an April 21, 2000 decision, the Office found the evidence of record insufficient to establish that appellant was disabled from December 17, 1999 through January 24, 2000. By letter dated May 1, 2000, appellant requested reconsideration of the Office's decision.

On April 27, 2000 appellant filed another claim alleging that she was disabled from December 17, 1999 through April 14, 2000.

In a September 25, 2000 decision, the Office modified its April 21, 2000 decision, finding the evidence of record sufficient to establish that appellant was disabled from January 10 through March 20, 2000.

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<sup>1</sup> Appellant did not return to work because her temporary employment had been terminated.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> has the burden of establishing the essential elements of his or her claim by the weight of reliable, probative and substantial evidence, including the fact that the individual is an "employee of the United States" within the meaning of the Act and that the claim was timely filed within the applicable time limitation period 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.<sup>3</sup>

The only medical evidence pertaining to the claimed period of disability after March 20, 2000 is an April 3, 2000 attending physician's report from Dr. Daniel Metzger, an osteopath, who provided a history that appellant sustained an injury to the right foot on December 17, 1999 and a diagnosis of right foot strain/sprain. Dr. Metzger opined that appellant's condition was caused or aggravated by an employment activity by placing a checkmark in the box marked "yes."

The Board has held that an opinion on causal relationship which consists only of a physician checking "yes" to a medical form question on whether the claimant's disability was related to the history is of diminished probative value. Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.<sup>4</sup> Dr. Metzger failed to provide any medical rationale explaining how or why appellant's condition was caused by her December 17, 1999 employment injury. Further, Dr. Metzger did not address whether appellant was disabled due to her employment injury. Therefore, his report is insufficient to meet appellant's burden.

Because appellant has failed to submit any rationalized medical evidence establishing that she was disabled after March 20, 2000 due to her December 17, 1999 employment injury, she has failed to satisfy her burden of proof.

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<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>4</sup> *Lucrecia M. Nielson*, 42 ECAB 583, 594 (1991).

The September 25 and April 21, 2000 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC  
August 31, 2001

Michael J. Walsh  
Chairman

David S. Gerson  
Member

Priscilla Anne Schwab  
Alternate Member