

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LORRAINE WISEMAN and U.S. POSTAL SERVICE,
SEATTLE BULK MAIL CENTER, Federal Way, WA

*Docket No. 00-1211; Submitted on the Record;
Issued February 22, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has established that she sustained a right elbow injury casually related to factors of her federal employment.

The Board has duly reviewed the case record in the present appeal and finds that appellant did not establish that her elbow condition was casually related to her 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 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 casually related to the employment injury.² These are the essential elements of each 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) 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 *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is casually related to the employment factors identified by the claimant.⁴

The medical evidence required to establish a casual relationship 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 casual 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.⁵

Appellant, then a 52-year-old seasonal postal worker, filed an occupational disease claim on March 8, 1999 alleging that her right elbow arthrofibrosis was caused by throwing heavy packages weighing up to 25 pounds into high cardboard bins at work.⁶ She indicated that on more than one occasion she hurt the back part of her right elbow while throwing the boxes and on December 19, 1998 realized that the condition was caused by her employment. Appellant worked as a temporary employee from November 30 to December 31, 1998.

Appellant first sought medical treatment at an emergency room on February 17, 1999 because she had been unable to straighten her right arm for a week. She related that, she had sustained an injury on December 1, 1998 while throwing boxes and that her door at home had been sticking, causing her to have to jerk the door with both hands. Appellant's supervisor stated that appellant had not reported any injury during her 30-day employment.⁷

By letter dated April 15, 1999, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical evidence. By letter dated April 23, 1999, appellant submitted a detailed factual statement as well as a medical statement dated April 29, 1999 from Dr. Robert E. Carlson, a Board-certified orthopedic surgeon.⁸

By decision dated August 11, 1999, the Office denied appellant's claim on the grounds that she did not establish a casual connection between her right elbow condition and her employment.⁹

⁴ *Vicky L. Hannis*, 48 ECAB 538 (1997).

⁵ *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

⁶ The weight of the boxes is controverted.

⁷ Appellant stated that she waited until March 1999 to file a claim because as a temporary worker, she did not want to ruin her chances of being hired as a permanent employee.

⁸ Several follow-up reports were also submitted from Dr. Carlson, dated June 10 and July 19, 1999, as well as a report from Auburn Regional Medical Center dated May 4, 1999.

⁹ More medical information from Dr. Carlson was received on August 23, August 30 and September 9, 1999, after the Office's August 11, 1999 decision.

By letter received on September 15, 1999, appellant requested reconsideration of the Office's August 11, 1999 decision. The Office reviewed appellant's case on its merits, pursuant to 5 U.S.C. § 8128 and on November 10, 1999 denied modification, finding that appellant failed to establish that she sustained a right elbow injury casually related to factors of her employment.

The Board finds the medical reports submitted by appellant do not contain a well-rationalized medical opinion relating her elbow injury to employment factors.

Only two medical reports in the record address the casual relationship between appellant's injury and her employment.¹⁰ In an August 16, 1999 letter, Dr. Carlson stated: "She has both a clinical history as well as clinical symptoms that are consistent with the work-related injury." Dr. Carlson added that appellant's medical record clearly indicated that "her right elbow complaints resulted from this injury." The second report, also dated August 16, 1999, stated: "After reviewing the patient's chart as well as having her restate the clinical history surrounding her elbow, there is no doubt that this is a work-related injury and that the patient is entitled to treatment both under federal law and state law for her claim."

The Board finds that neither medical report provides a well-rationalized medical opinion explaining how appellant's diagnosed condition was caused or aggravated by employment factors. As stated in *Marilyn D. Polk*, a conclusory statement without supporting rationale is of little probative value.¹¹ Dr. Carlson's reports offer no explanation as to why appellant was able to continue to work, without complaints, following her alleged December 1998 injury, but some two months later could not straighten her right arm. Dr. Carlson failed to provide a full factual history regarding appellant's right arm condition. Dr. Carlson also did not address the right arm exertion pertaining to opening her door at home, which appellant had related to emergency room staff on February 17, 1999.

Since the medical evidence submitted does not establish a clear, casual relationship between appellant's elbow injury and her employment, appellant has not met her burden of proof in establishing her claim.

¹⁰ *Marilyn D. Polk*, 44 ECAB 673 (1993).

¹¹ *Marilyn D. Polk*, 44 ECAB 673 (1993).

The decision of the Office of Workers' Compensation Programs dated November 10, 1999 is hereby affirmed.

Dated, Washington, DC
February 22, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Priscilla Anne Schwab
Alternate Member