

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HENRY D. CROSBY and U.S. POSTAL SERVICE,
GENERAL MAIL FACILITY, Cleveland, OH

*Docket No. 01-17; Submitted on the Record;
Issued July 25, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof to establish that his plantar fasciitis was causally related to factors of his employment.

On September 27, 1999 appellant, then a 54-year-old mail processor, filed an occupational disease claim alleging that on October 12, 1998 he first realized his chronic plantar fasciitis was due to his federal employment.

In a September 2, 1999 report, Dr. Allan M. Boike, a podiatrist, related that appellant injured his left foot four to five years ago at work and diagnosed chronic plantar fasciitis of both heels. Regarding the cause of appellant's condition, he noted:

“Plantar fasciitis (sic) is a common problem which occurs in many people who are on their feet for prolonged periods of time, especially noted in letter carriers and those who work in industries on concrete floors. There is no way I can state without hesitation or any degree of certainty that his present problem is directly related to his injury. Plantar fasciitis (sic) also occurs in many people who are not involved in daily activities which have prolonged standing or walking on concrete as a causal relationship. Therefore, there is no way that I am able to state, with any degree of certainty, that his plantar fasciitis (sic) is secondary to his occupation.”

In a letter dated November 3, 1999, the Office of Workers' Compensation Programs informed appellant that the evidence of record was insufficient to establish his claim and advised him as to the information required to support his claim.

By decision January 5, 2000, the Office denied appellant's claim on the basis that the evidence was insufficient to establish a causal relationship between appellant's disability and factors of his employment.

In a letter dated February 2, 2000, appellant's counsel requested an oral hearing, which was held on June 27, 2000.

In a decision dated August 7, 2000, the Office hearing representative found that appellant had failed to submit any rationalized medical evidence to support that his plantar fasciitis was causally related to factors of his employment and affirmed the January 5, 2000 Office decision.

The Board finds that appellant has failed to meet his burden of proof to establish that his plantar fasciitis was causally related to factors of his employment.

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 or specific condition for which compensation is claimed is causally related to the employment injury.¹ 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.²

In an occupational disease claim such as this, the 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 establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.³

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 the claimant.⁴ Neither the fact that appellant's condition became apparent during a period of employment nor appellant's belief that his condition was caused by his employment is sufficient to establish a causal relationship.⁵

In this case, appellant has established the existence of plantar fasciitis but has failed to establish through medical evidence that this condition resulted in an injury related to his employment. Dr. Boike's statements do not constitute a rationalized medical opinion because he

¹ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

² *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

³ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁴ *Id.*

⁵ *Kathryn Haggerty*, 45 ECAB 383, 389 (1994).

provided neither an opinion that appellant's condition caused any injury nor a medical rationale explaining how factors of appellant's employment caused appellant's condition.

Although the Office explained to appellant why the evidence in his claim was deficient, he failed to provide a rationalized medical opinion in support of his claim. Because appellant has failed to carry his burden of proof in establishing a causal relationship between his plantar fasciitis and his employment, the Office properly denied his claim for compensation.

The decisions of the Office of Workers' Compensation Programs dated August 7 and January 5, 2000 are hereby affirmed.

Dated, Washington, DC
July 25, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member