

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of KENNETH H. CASTELLANO and U.S. POSTAL SERVICE,  
POST OFFICE, Ridgefield, CT

*Docket No. 01-389; Submitted on the Record;  
Issued July 20, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,  
BRADLEY T. KNOTT

The issue is whether appellant has established that he sustained an injury in the performance of duty.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to establish that he sustained an injury in the performance of duty.

On June 12, 2000 appellant, then a 50-year-old laborer, filed a claim for an occupational disease alleging that he first realized that his hernia surgery was caused or aggravated by his employment on April 20, 2000. Appellant stopped work on May 16, 2000. Appellant's claim was accompanied by factual evidence.

By letter dated June 26, 2000, the Office of Workers' Compensation Programs advised appellant that the evidence submitted was insufficient to establish his claim. The Office requested that appellant submit factual and medical evidence supportive of his claim.

By decision dated August 16, 2000, the Office found the evidence of record was insufficient to establish that appellant sustained an injury in the performance of duty.

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 which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>1</sup>

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<sup>1</sup> See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

The medical evidence required to establish a 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,<sup>2</sup> must be one of reasonable medical certainty,<sup>3</sup> 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.<sup>4</sup>

In this case, appellant has failed to submit any rationalized medical evidence establishing that his hernia surgery was caused or aggravated by factors of his federal employment. Appellant did not submit any medical evidence in response to the Office's June 26, 2000 letter. Rather, appellant merely responded that he was unable to obtain medical evidence from his physician. In this regard, appellant has failed to establish a *prima facie* claim for compensation.

Appellant has failed to submit rationalized medical evidence establishing that his hernia surgery was caused or aggravated by factors of his employment. The Board finds that he has failed to satisfy his burden of proof.

The decision of the Office of Workers' Compensation Programs dated August 16, 2000 is hereby affirmed.

Dated, Washington, DC  
July 20, 2001

Michael J. Walsh  
Chairman

Michael E. Groom  
Alternate Member

Bradley T. Knott  
Alternate Member

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<sup>2</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>3</sup> *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

<sup>4</sup> *See James D. Carter*, 43 ECAB 113 (1991); *George A. Ross*, 43 ECAB 346 (1991); *William E. Enright*, 31 ECAB 426, 430 (1980).