

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JANICE L. MELTON and U.S. POSTAL SERVICE, NORTH
HOUSTON PLANT & DISTRIBUTION CENTER, Houston, TX

*Docket No. 00-854; Submitted on the Record;
Issued March 6, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant has met her burden of proof to establish she was disabled from September 6 to October 14, 1999 due to her accepted employment injury.

On July 21, 1999 appellant, then a 42-year-old postal clerk, filed a notice of traumatic injury and claim for continuation of pay/compensation (Form CA-1), alleging that on that same day a gate fell down on her at work, striking her face and causing a laceration along her right eyebrow.

The claim was accepted on September 9, 1999 for right eye contusion and right eyebrow laceration based on the medical evidence.

Appellant received continuation of pay from July 23 to September 6, 1999. From September 6 to October 14, 1999, appellant intermittently took sick leave, annual leave and leave without pay.¹

On October 5, 1999 appellant filed a claim for compensation (Form CA-7), claiming compensation for the period September 6 to October 14, 1999. She claimed that during this period she became depressed and mentally unstable due to her July 21, 1999 injury.

By letter dated October 15, 1999, the Office of Workers' Compensation Programs informed appellant that medical evidence was necessary to support her claim of disability from September 6 to October 14, 1999, allegedly caused by the July 21, 1999 employment injury.

By decision dated December 1, 1999, the Office denied appellant's claim stating that the medical evidence provided did not support appellant's contention that she was disabled as a result of the July 21, 1999 employment injury.

¹ It should also be noted that on August 17, 1999 appellant accepted a limited-duty assignment but only worked one day.

The Board finds that appellant has not met her burden of proof to show that her disability from September 6 to October 14, 1999 was caused by her federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of 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 causally related to the employment injury.³ These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

In the present case, appellant established that an injury occurred in the performance of duty on July 21, 1999, but failed to establish that her disability period from September 6 to October 14, 1999 was causally related to her July 21, 1999 injury.

The medical evidence required to establish a causal 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 causal relationship between the claimant's diagnosed condition and the employment injury. 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 submitted various types of medical reports and diagnoses from several doctors, but few reports addressed the causal relationship between appellant's disability for work during the claimed period and the work injury. The Board notes that the claim was accepted for right eye contusion and right eyebrow laceration.

On October 26, 1999 the Office received an attending physician's report (Form CA-20) from Dr. Larry Flowers, a Board certified psychiatrist, who diagnosed appellant with a "mood disorder," "head injury" and "bipolar."⁶ When responding to the question of whether he thinks the condition was caused or aggravated by an employment activity, Dr. Flowers checked "yes" and stated: "patient was functioning fine until head injury and had four years employment." However, Dr. Flowers did not provide any medical explanation as to how or why he reached his stated conclusion that appellant's emotional condition was related to her employment injury. On the same date, the Office received a second attending physician's report (Form CA-20) from

² 5 U.S.C. §§ 8101-8193.

³ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁴ *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

⁵ *Id.*

⁶ This attending physician's report is illegible.

Dr. Ulysses W. Watkins, who noted findings of “healed noninfected scar on left eyebrow. Pupil: normal.” When responding to the question of whether he believed the condition was caused or aggravated by an employment activity, Dr. Watkins checked “yes” but left the explanation space blank.⁷ Dr. Watkins also noted that appellant was totally disabled from October 1 to 15, 1999. He offered no explanation of why his findings of healed eyebrow scar or normal pupil would cause total disability. A conclusory statement without supporting rationale is of little probative value.⁸

Appellant did not submit any rationalized medical opinion evidence on the issue of whether there is a causal relationship between her period of disability from September 6 to October 14, 1999 and her July 21, 1999 work injury.

The decision of the Office of Workers’ Compensation Programs dated December 1, 1999 is affirmed.

Dated, Washington, DC
March 6, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member

⁷ A separate duty status report (Form CA-17) from Dr. Flowers diagnosed appellant with “bipolar disorder, hypertension, severe headaches, manic and anxiety.” This medical report may not be considered by the Board since it was received on December 3, 1999, after the Office’s December 1, 1999 final decision. The review of a case shall be limited to the evidence in the case record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

⁸ *Marilyn D. Polk*, 44 ECAB 673 (1993).