

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JACQUELINE S. HARRIS and U.S. POSTAL SERVICE,
BULK MAIL CENTER, Dallas, TX

*Docket No. 01-2261; Submitted on the Record;
Issued April 25, 2002*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of her federal employment.

On September 7, 2000 appellant, then a 38-year-old clerk, filed an occupational disease claim¹ alleging that her right leg condition was due to her accepted July 29, 1995 employment injury.² Appellant stated that she believed that the prolonged use of crutches necessitated by her July 29, 1995 injury resulted in her current right leg condition.³ The employing establishment contested the claim noting that appellant's last day of work had been August 7, 1995.

In a September 4, 2000 medical report, appellant was diagnosed with pain in her right leg of undetermined cause.⁴

In a decision dated October 17, 2000, the Office of Workers' Compensation Programs denied appellant's claim on the basis that she failed to establish that her right lower extremity condition was due to factors of her employment.

Appellant requested an oral hearing which was held on March 29, 2001.

¹ This was assigned claim number 16-2005295.

² Appellant filed a claim for an injury sustained on July 29, 1995 which was assigned claim number 16-0265721.

³ The employing establishment noted appellant had been terminated from her federal employment effective March 22, 1996. It also indicated that appellant was receiving compensation from her prior claim.

⁴ The physician's signature is illegible.

By decision dated June 18, 2001, an Office hearing representative found that the record was devoid any medical evidence that her right leg condition was due to her employment. Accordingly, she affirmed the October 17, 2000 Office decision denying appellant's claim.⁵

The Board finds that appellant has not sustained an injury in the performance of her federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act⁶ 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 and/or specific condition for which compensation is claimed are causally related to the employment injury.⁷ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁸

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.

The medical evidence required to establish 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, 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.⁹

In the instant case, appellant has failed to meet her burden of proof. The medical evidence of record does not include a diagnosis of a right leg condition caused by appellant's employment. The September 4, 2000 report by her treating physician merely notes pain in her

⁵ The hearing representative noted appellant filed a recurrence claim alleging that her right leg condition was a consequential injury of her accepted July 29, 1995 employment injury.

⁶ 5 U.S.C. § 8101

⁷ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

⁸ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁹ *Id.*

right leg of undetermined cause which does not relate her pain to an injury or employment factors. Absent any medical evidence diagnosing a condition causally related to factors of appellant's federal employment, appellant has failed to establish that she sustained an injury in the performance of duty.

The June 18, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
April 25, 2002

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member