

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of PATTI M. SCALF and U.S. POSTAL SERVICE,  
POST OFFICE, LaPorte, IN

*Docket No. 02-799; Submitted on the Record;  
Issued August 15, 2002*

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DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,  
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained an injury causally related to employment factors.

On October 29, 2001 appellant, a 47-year-old letter carrier, filed an occupational disease claim (Form CA-2), alleging that she sustained sciatic nerve muscle spasms causally related to her federal employment. In a narrative statement dated December 15, 2001, appellant noted that work incidents on March 15 and December 17, 1999, while bending, lifting and twisting in the course of her federal employment caused her injury.

By decision dated January 9, 2002, the Office of Workers' Compensation Programs denied the claim on the grounds that appellant had not established an injury causally related to employment factors.

The Board finds that appellant has not established an injury causally related to the identified employment factors.

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> The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal

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

relationship between the claimed conditions and her federal employment.<sup>2</sup> Neither the fact that the condition manifested during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.<sup>3</sup>

In this case, the medical evidence consists of notes dated November 5 and 13, 2001 from Dr. Charles Luecker, an orthopedic surgeon, who states that appellant should remain off work, without providing a history or opinion on causal relationship between a diagnosed condition and the identified employment factors. In the absence of a reasoned medical opinion, based on a complete and accurate background, on causal relationship with employment, the Board finds that appellant has not met her burden of proof in this case.<sup>4</sup>

The decision of the Office of Workers' Compensation Programs dated January 9, 2002 is affirmed.

Dated, Washington, DC  
August 15, 2002

Alec J. Koromilas  
Member

Colleen Duffy Kiko  
Member

A. Peter Kanjorski  
Alternate Member

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<sup>2</sup> See *Walter D. Morehead*, 31 ECAB 188 (1979).

<sup>3</sup> *Manuel Garcia*, 37 ECAB 767 (1986).

<sup>4</sup> Appellant submitted additional evidence to the Board; however, the jurisdiction of the Board is limited to the evidence that was before the Office at the time it issued its final decision; *see* 20 C.F.R. § 501.2(c). This decision does not preclude appellant from submitting additional evidence to the Office along with a request for reconsideration.