

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of BILLY J. RIDGES and U.S. POSTAL SERVICE,  
POST OFFICE, Florence, SC

*Docket No. 02-932; Submitted on the Record;  
Issued December 3, 2002*

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DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,  
DAVID S. GERSON

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

On February 22, 2000 appellant, then a 55-year-old maintenance mechanic, filed an occupational disease claim alleging that he developed a recurrent right inguinal hernia causally related to factors of his federal employment. He has a prior accepted claim for a left inguinal hernia.

In a statement supporting his claim, appellant related that on November 10, 1999 he was moving heavy equipment, including 23 collection boxes weighing up to 400 pounds each, when he began to feel pain in his right side, which later went away. He stated that, when he visited his doctor on December 3, 1999, he was told that he had a right-sided hernia, but that it did not require immediate attention. Appellant stated that his pain continued and that on February 22, 2000 a physician recommended that he undergo surgery.

By decision dated August 1, 2000, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the medical evidence submitted was insufficient to establish fact of injury.

By letter dated August 29, 2000, appellant requested a review of the written record. In a decision dated January 16, 2001, an Office hearing representative affirmed the prior denial.

The Board finds that appellant has not established that he sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his claim, including the fact that an injury was

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

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.<sup>2</sup>

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 the 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 claimant.<sup>3</sup> The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.<sup>4</sup> 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>5</sup> must be one of reasonable medical certainty<sup>6</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>7</sup> The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.<sup>8</sup>

In the present case, appellant submitted Patient Encounter Charge Sheets dated February 14, February 28 and March 17, 2000, on which, a physician whose signature is illegible, indicated that, on November 18, 1999, appellant fell and injured his back at work and diagnosed nonwork-related phlebitis, back pain and recurrent right inguinal hernia. However, these treatment notes do not contain any discussion of the cause of appellant's various conditions. The record also contains partially illegible unsigned treatment notes from the office of Dr. Philip N. Chalpis, a Board-certified surgeon, who noted that appellant had been referred for treatment of a right-sided inguinal hernia which had been present for three months. The notes relate that, while lifting at work, appellant noticed a lump and felt pain, but do not

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<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>4</sup> The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may be dispensed with to establish a claim; *see Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not a case of obvious causal connection.

<sup>5</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>6</sup> *See Morris Scanlon*, 11 ECAB 384-85 (1960).

<sup>7</sup> *See William E. Enright*, 31 ECAB 426, 430 (1980).

<sup>8</sup> *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

otherwise discuss the cause of appellant's condition. Finally, the record contains medical reports and treatment notes dating from December 1973 through September 1979, noting the diagnosis and treatment of both a prior left inguinal hernia and a prior recurrent right inguinal hernia. As none of these reports specifically addresses the cause of appellant's current right inguinal hernia, the reports are of little probative value.

By letter dated March 10, 2000, the Office informed appellant of the necessity of submitting rationalized medical evidence to substantiate that he sustained an occupational disease due to factors of his federal employment. As appellant failed to submit any medical evidence which discusses how specific factors of his federal employment caused or contributed to his condition or provides sufficient rationale for the conclusions therein, the Office properly denied his claim.<sup>9</sup>

The decision of the Office of Workers' Compensation Programs dated January 16, 2001 and finalized January 17, 2001 is affirmed.

Dated, Washington, DC  
December 3, 2002

Alec J. Koromilas  
Member

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

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<sup>9</sup> *Carolyn F. Allen*, 47 ECAB 240 (1995) (medical reports not containing rationale on causal relationship are entitled to little probative value).