

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES H. HASKELL and U.S. POSTAL SERVICE,
POST OFFICE, North Reading, MA

*Docket No. 01-1382; Submitted on the Record;
Issued January 2, 2002*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that he sustained a right arm injury in the performance of duty.

The Board finds that appellant did not meet his burden of proof to establish that he sustained a right arm injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his 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.² These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

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.

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence.⁴

On February 2, 2001 appellant, then a 47-year-old mark-up clerk, filed an occupational disease claim alleging that he sustained “tennis elbow” of his right arm due to performing his work duties. He later submitted a statement in which he indicated that the work duties which caused his injury included typing addresses, lifting mail tubs weighing up to 40 pounds, and photocopying documents. Appellant noted that these duties required him to engage in repetitive movement of his upper extremities. By decision dated March 31, 2001, the Office denied appellant’s claim on the grounds that he did not submit sufficient evidence to establish that he sustained a right arm injury in the performance of duty.

The Board finds that appellant did not submit sufficient evidence to establish that he sustained a right arm injury in the performance of duty. In support of his claim, appellant submitted a March 6, 2001 form report in which Dr. Marshall Katzen, an attending Board-certified orthopedic surgeon, diagnosed right lateral epicondylitis and recommended various work restrictions. In a note dated January 24, 2001, Dr. Katzen indicated that appellant could work full time in a limited-duty position. These reports, however, are of limited probative value on the relevant issue of the present case in that they do not contain an indication that appellant sustained a work injury or an opinion on the cause of appellant’s right arm condition.⁵ Although appellant identified the employment factors which he believed caused his claimed injury, the evidence of record does not establish that he sustained an injury as alleged or that he suffered any condition due to an injury caused by employment factors. Appellant was provided with an opportunity to provide additional medical evidence but he failed to provide rationalized medical evidence showing that he sustained an injury in the performance of duty as alleged.

For these reasons, appellant did not meet his burden of proof to establish that he sustained a right arm injury in the performance of duty.

⁴ 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. *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

⁵ See *Charles H. Tomaszewski*, 39 ECAB 461, 467-68 (1988) (finding that medical evidence which does not offer any opinion regarding the cause of an employee’s condition is of limited probative value on the issue of causal relationship).

The March 31, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
January 2, 2002

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member