

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of STEPHEN LUTZ and U.S. POSTAL SERVICE,
POST OFFICE, Kent, OH

*Docket No. 01-1516; Submitted on the Record;
Issued January 25, 2002*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant established that he sustained a left foot injury causally related to factors of his federal employment.

On April 20, 2000 appellant, then a 47-year-old letter carrier, filed a notice of traumatic injury claiming that he injured both forearms and elbows and the bottom of his left foot at work. He stated that forearm pain was caused by lifting heavy bundles of mail repeatedly while he noticed the left foot pain on April 19, 2000 when "walking on uneven ground." Appellant was diagnosed with bilateral epicondylitis and plantar fasciitis of the left foot by Dr. Barry Marged on April 20, 2000.

By letter dated May 9, 2000, the Office of Workers' Compensation Programs requested that appellant clarify whether he was filing an occupational disease claim or a traumatic injury claim since he was alleging two different types of injuries.¹

By decision dated June 9, 2000, the Office denied appellant's claim for a foot condition since the medical evidence was insufficient to establish that his conditions were caused by employment factors.

By letter dated June 16, 2000, appellant requested an oral hearing, which was held on January 31, 2001. It was clarified that his claim and appeal were for the left foot injury, which occurred on April 19, 2000.

By decision dated March 28, 2001, the hearing representative affirmed the Office's June 9, 2000 decision.

¹ The Office stated that appellant's arm condition should be filed as an occupational claim and the foot condition as a traumatic injury claim, but that the claim for the foot condition could not be adjudicated due to the lack of medical evidence. The arm condition is not involved in the claim currently before the Board.

The Board has duly reviewed the case record and finds that appellant did not establish that his left foot condition was causally related to factors of his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act² 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 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

To determine whether an employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁵ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁶ An employee may establish that an injury occurred in the performance of duty as alleged but fail to establish that his or her disability and/or a specific condition for which compensation is claimed are causally related to the injury.⁷

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 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.⁸

The Board finds the medical reports submitted by appellant do not contain a well-rationalized medical opinion relating his left foot condition to employment factors.

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 *John J. Carlone*, 41 ECAB 354 (1989).

⁶ *Id.* For a definition of the term "injury," see 20 C.F.R. § 10.5(a)(14).

⁷ As used in the Act, the term "disability" means incapacity because of an injury in employment to earn wages the employee was receiving at the time of the injury, *i.e.*, a physical impairment resulting in loss of wage-earning capacity. *Frazier V. Nichol*, 37 ECAB 528 (1986).

⁸ *Supra* note 4.

Only an April 20, 2000 report from Dr. Marged from MedGroup addresses the causal relationship between appellant's left foot and his employment.⁹ He stated: "Carrying mail yesterday [appellant] developed pain [in the] bottom of left foot." Dr. Marged offers no medical opinion that appellant's diagnosed condition of left foot plantar fasciitis was caused by his employment factors. He also does not explain the relationship between appellant's employment and the pain he noted in his report. In addition, Dr. Marged indicates that in subsequent reports dated May 31 and June 14, 2000, that appellant's left foot is "fine." The medical evidence of record diagnoses appellant with plantar fasciitis of the left foot, yet offers no medical rationale explaining the relationship between the diagnosed condition and appellant's employment.

Since the medical evidence submitted does not establish a clear, causal relationship between appellant's left foot condition and his employment, appellant has not met his burden of proof in establishing his claim.

The March 28, 2001 and June 9, 2000 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC
January 25, 2002

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

⁹ *Marilyn D. Polk*, 44 ECAB 673 (1993).