

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of HA T. NGUYEN and U.S. POSTAL SERVICE,  
Dulles, VA

*Docket No. 01-1541; Submitted on the Record;  
Issued January 25, 2002*

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DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant sustained an injury while in the performance of duty on January 27, 2001.

On January 30, 2001 appellant, then a 36-year-old flat sorter machine operator, filed a claim for compensation alleging that on January 27, 2001 she injured her left arm at work due to heavy lifting and repetitive keying of mail. Appellant's supervisor stated that appellant indicated on January 30, 2001 that the pain in her arm could be related to an injury sustained seven or eight years previously.

In a form report dated February 22, 2001, a physician indicated that appellant could perform regular work but had limited range of motion due to repetitive lifting on January 27, 2001. He did not provide a diagnosis of her condition.

By decision dated April 30, 2001, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that she had failed to establish that she sustained an injury on January 27, 2001 while in the performance of duty.

The Board finds that appellant has failed to establish that she sustained an injury to her left arm on January 27, 2001 while in the performance of duty.

An award of compensation may not be based on surmise, conjecture, speculation, or appellant's belief of causal relationship.<sup>1</sup> Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that she sustained an injury in the performance of duty and that her disability was caused or aggravated by her employment.<sup>2</sup> As part of this burden, a claimant must present rationalized medical opinion evidence, based on a complete

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<sup>1</sup> See *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>2</sup> See *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

factual and medical background, showing causal relationship.<sup>3</sup> The mere manifestation of a condition during a period of employment does not raise an inference of causal relationship between the condition and the employment.<sup>4</sup> Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the employment caused or aggravated her condition is sufficient to establish causal relationship.<sup>5</sup>

In this case, appellant alleged that she sustained an injury to her left arm on January 27, 2001 due to heavy lifting and repetitive keying at work. In a form report dated February 22, 2001, a physician indicated that appellant had limited range of motion due to repetitive lifting on January 27, 2001. However, he did not provide a specific diagnosis of her condition or any medical rationale explaining how appellant's job duties caused or contributed to her left arm condition. Therefore, this report is not sufficient to establish that appellant sustained a left arm injury on January 27, 2001 causally related to factors of her employment.

The April 30, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
January 25, 2002

Michael E. Groom  
Alternate Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>3</sup> See *Mary J. Briggs*, 37 ECAB 578, 581 (1986); *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

<sup>4</sup> See *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

<sup>5</sup> *Id.*