

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VARITTA A. POLK and U.S. POSTAL SERVICE,
POST OFFICE, Baton Rouge, LA

*Docket No. 02-350; Submitted on the Record;
Issued July 11, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury causally related to factors of her federal employment.

The Board has duly reviewed the case record in the present appeal and finds that appellant failed to meet her burden of proof that she sustained an injury causally related to factors of her federal employment.

On October 30, 2000 appellant, then a 35-year-old mail city carrier, filed an occupational claim, alleging that on October 2, 2000 she became aware that she sustained work-related pain in the hips and knees and was unable to walk due to the pain. In an undated statement, appellant stated that on September 25 she began having discomfort in her knees and hips which she believed was due to her work-related activities of carrying a satchel weighing approximately 30 pounds, enduring excessive walking and stair climbing for 4½ hours a day, and mounting and dismounting vehicles for 2 hours.

In a note dated October 25, 2000, appellant's treating physician, Dr. David R. Carver, a Board-certified family practitioner, stated that he saw appellant on October 2 and 19, 2000 for bilateral trochanteric bursitis and patella femoral pain syndrome which were aggravated by her duties as a postal carrier. In a note dated December 14, 2000, Dr. Carver diagnosed "bilateral patellofemoral pain syndrome and bilateral trochanteric bursitis -- job related."

By decision dated December 21, 2000, the Office denied the claim, stating that appellant did not establish that she sustained an injury, as alleged.

To establish that an injury was sustained in the performance of duty, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the 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. The medical evidence required to establish causal relationship, generally, is rationalized medical 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 appellant'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 appellant.¹

The mere fact that a disease 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 disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.²

In this case, appellant did not submit medical evidence establishing that the injury she sustained on or about October 2, 2000 to her hips and knees was work related. Dr. Carver's notes dated October 25 and December 14, 2000 stating either that appellant's diagnosed condition was work related or aggravated by her employment duties did not specify which work activities caused appellant's condition or provide a medical rationale as to how the work activities caused or aggravated her condition. Dr. Carver's notes are therefore of diminished probative value.³ Although the Office advised appellant of the evidence necessary to establish her claim, appellant did not submit the requisite evidence.

¹ See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

² *Lucrecia M. Nielsen*, 42 ECAB 583, 593 (1991); *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

³ See *Dennis M. Mascarenas*, 49 ECAB 215, 217-18 (1997); *Vicky L. Hannis*, 48 ECAB 538, 540 (1997).

The December 21, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
July 11, 2002

Alec J. Koromilas
Member

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member