

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of STEPHANIE D. COLSON-MEARSE and FEDERAL JUDICIARY,
DISTRICT OF COLUMBIA, COURT OF APPEALS, Washington, DC

*Docket No. 02-410; Submitted on the Record;
Issued June 18, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
WILLIE T.C. THOMAS

The issue is whether appellant met her burden of proof to establish that she sustained disability from July 11 to 14, 2000 due to her May 25, 2000 employment injury.

On May 25, 2000 appellant, then a 38-year-old court worker, sustained a left ankle sprain due to a fall at work. She claimed that she sustained disability from July 11 to July 14, 2000 due to her May 25, 2000 employment injury. By decision dated December 3, 2001, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that she did not submit sufficient medical evidence to establish that she sustained an employment-related disability from July 11 to July 14, 2000.

The Board finds that appellant did not meet her burden of proof to establish that she sustained disability from July 11 to July 14, 2000 due to her May 25, 2000 employment injury.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of 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.² To establish a causal relationship between a claimed period of disability and an employment injury, appellant must submit 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 compensable 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

¹ 5 U.S.C. §§ 8101-8193.

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

supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.³

In support of her claim, appellant submitted a July 11, 2000 form report in which Dr. Panos A. Labropoulos, an attending Board-certified orthopedic surgeon, indicated that appellant could resume full-time work on July 14, 2000. In another report dated July 11, 2000, he indicated that appellant had no pain or swelling in her left foot and ankle; he noted that appellant had good range of motion in her left ankle joint and that her neurological and vascular examination was normal. Dr. Labropoulos stated, “[appellant] is to continue the home physical therapy regimen for at least the next month and may return to full duty at work.” These reports do not establish appellant’s claim in that they do contain a clear opinion that appellant had disability from July 11 to July 14, 2000 due to her May 25, 2000 employment injury. The record does not contain a rationalized medical report showing that appellant had an employment-related disability from July 11 to July 14, 2000.

The December 3, 2001 decision of the Office of Workers’ Compensation Programs is affirmed.

Dated, Washington, DC
June 18, 2002

Alec J. Koromilas
Member

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

³ See *Donna Faye Cardwell*, 41 ECAB 730, 741-42 (1990).