

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHERYL M. ALEXANDER and U.S. POSTAL SERVICE,
POST OFFICE, Los Angeles, CA

*Docket No. 02-941; Submitted on the Record;
Issued November 27, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, COLLEEN DUFFY KIKO,
WILLIE T.C. THOMAS

The issue is whether appellant has established that she has sustained an injury to her right wrist in the performance of duty.

On August 28, 2001 appellant, then a 46-year-old letter carrier, filed a notice of occupational disease and claim for compensation (Form CA-2), alleging that, on that date while delivering mail, her right wrist turned red and started to swell and then began to hurt. On the reverse of the form, appellant's supervisor indicated that appellant stopped working on August 29, 2001 and returned to work on September 1, 2001.

Evidence submitted with the claim consisted of appellant's narrative report of the injury and a documentation of medical impairment form (DMI) dated August 29, 2001, signed by Dr. Peter Yeung, who is Board-certified in physical medicine and rehabilitation. The report listed a diagnosis of gout and noted that appellant should refrain from work for a period of 3 days and could then return to work with limitations.

In a September 24, 2001 letter, the Office of Workers' Compensation Programs advised appellant that the information submitted in her claim was insufficient to determine whether she was eligible for benefits under the Federal Employees' Compensation Act.¹ The Office advised appellant of the additional medical and factual evidence needed to support her claim. In particular, appellant was directed to provide a comprehensive medical report from her treating physician.

Appellant submitted a personal statement in support of her appeal, in which she responded to the questions posed in the Office's September 24, 2001 letter. Appellant also forwarded additional DMI forms, dated September 4, 2001, signed by T. Hwang² and October 4,

¹ 5 U.S.C. §§ 8101-8193.

² It is unclear from the formal record what T. Hwang's credentials are.

2001, signed by Dr. Yeung, who indicated by filling in the “bubble” on the DMI form a diagnosis of “[s]prain/[s]train/[p]ain: UE/[s]houlder/[e]lbow/[w]rist/[h]and/[f]inger(s)”. Appellant was released to work, with limitations on that day. The DMI form signed by T. Hwang noted a diagnosis of tendinitis of the right shoulder.

By decision dated November 28, 2001, the Office denied appellant’s claim. The Office found that, while the evidence on file supported that appellant experienced the claimed incident, the evidence did not establish that the incident caused an injury. Therefore, it was determined that she did not sustain an injury as alleged.

The Board finds that appellant has failed to establish that she sustained an injury to her wrist causally related to factors of her federal employment.

An employee seeking benefits under the Act³ 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.⁴ These are essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

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 claimant.

The medical evidence required to establish causal relationship, generally, 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.⁶

³ See *supra* note 1.

⁴ *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁵ *Daniel J. Overfield*, 42 ECAB 718, 721 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁶ *Id.*

In the instant case, the medical report signed by Dr. Yeung on August 29, 2001 listed a diagnosis of gout, but did not address causation. Likewise, Dr. Yeung's report dated October 4, 2001, indicated by way of a checked box, a diagnosis of an upper extremity sprain or strain, but again did not address causation. The report from T. Hwang diagnosed tendinitis of the right shoulder, but is of little probative value, since it is unclear whether T. Hwang is, in fact, a physician.

In the instant case, appellant has not provided rationalized medical opinion evidence supporting a causal relationship between her wrist condition and her work conditions. On September 24, 2001 the Office advised appellant of the type of medical evidence needed to establish her claim. However, such evidence was not submitted prior to the Office's November 28, 2001 decision.⁷

As noted above, part of appellant's burden of proof includes the submission of rationalized medical evidence establishing that the claimed condition is causally related to employment factors. As appellant has not submitted such evidence, she has not met her burden of proof in establishing her claim.

The November 28, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
November 27, 2002

Michael J. Walsh
Chairman

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

⁷ The record does contain several medical reports that were received by the Office on November 30, December 5 and 7, 2001 and January 28 and March 15, 2002. The Board's jurisdiction is limited to evidence, which was before the Office at the time it rendered the final decision. Inasmuch as this evidence was not considered by the Office, it cannot be considered on review by the Board. 20 C.F.R § 501.2(c). This decision does not preclude appellant from submitting such evidence to the Office as part of a reconsideration request.