

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PATRICK M. DUFFY and U.S. POSTAL SERVICE,
PITTSBURGH BULK MAIL CENTER, Warrendale, PA

*Docket No. 02-1374; Submitted on the Record;
Issued October 28, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained an injury in the performance of duty.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to establish that he sustained an injury in the performance of duty.

On December 13, 2001 appellant, then a 56-year-old mailhandler, filed a traumatic injury claim alleging that on December 1, 2001 he sustained a neck strain while working on a small parcel bundle sorter. Appellant stated that the machine jammed and while he was cleaning the chute another bundle containing telephone books came by and hit his glasses on the right side knocking them off. Appellant submitted factual and medical evidence in support of his claim.

By letter dated December 20, 2001, the Office of Workers' Compensation Programs advised appellant that the evidence submitted was insufficient to establish his claim. The Office further advised appellant of the type of medical evidence needed to establish his claim and requested that he submit such evidence. In response, appellant submitted a December 18, 2001 letter indicating that he had accepted the employing establishment's offer of limited-duty work on that date.

By decision dated January 22, 2002, the Office denied appellant's claim under the Federal Employees' Compensation Act.¹ The Office found the medical evidence of record

¹ 5 U.S.C. §§ 8101-8193.

insufficient to establish that appellant's medical condition was caused by the employment factor.²

An employee seeking benefits under the Act has the burden of establishing the essential elements of his or her claim, including the fact 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 The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.⁴

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.⁵ The mere fact that a condition 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 condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁶

In this case, appellant alleged that he strained his neck when a bundle hit his glasses while he was cleaning the chute of a jammed small parcel bundle sorter. The Office found the medical evidence of record insufficient to establish that he sustained a traumatic injury due to this employment factor.

Appellant submitted a December 13, 2001 duty status report of a physician whose signature is illegible indicating a history that he was hit on the head, knocked over and hit his neck. The report revealed that appellant sustained a cervical strain. The report further revealed a checkmark in the box marked "yes" indicating that appellant's condition was caused or aggravated by the employment activity. The Board has held that an opinion on causal relationship which consists only of a physician checking "yes" to a medical form report question on whether the claimant's disability was related to the history is of diminished probative value. Without any explanation or rationale for the conclusion reached, such report is insufficient to

² Subsequent to its January 22, 2002 decision, the Office received additional evidence. The Board, however, cannot consider the new evidence submitted by appellant inasmuch as the Board's jurisdiction is limited to the evidence of record which was before the Office at the time of its final decision. *James C. Campbell*, 5 ECAB 35 (1952); 20 C.F.R. § 501.2(c). Appellant may resubmit the evidence with a formal request for reconsideration. 20 C.F.R. § 501.7(a).

³ *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁴ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁵ *See Victor J. Woodhams*, *supra* note 3 at 351-52; *William E. Enright*, 31 ECAB 426, 430 (1980).

⁶ *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

establish causal relationship.⁷ As the report did not provide any medical rationale explaining how or why appellant's diagnosed condition was caused by the employment factor, the report is insufficient to establish appellant's burden.

Appellant also submitted a December 13, 2001 disability certificate from the same physician indicating that, while he was unfit for full duty, he was fit for modified duty with certain restrictions. This disability certificate is insufficient to establish appellant's burden because it failed to indicate a diagnosis and to discuss whether or how the diagnosed condition was caused by the employment factor.⁸

Inasmuch as appellant has failed to submit rationalized medical evidence establishing that he sustained a neck strain caused by the December 1, 2001 employment incident, the Board finds that he has failed to satisfy his burden of proof in this case.

The January 22, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 28, 2002

Michael J. Walsh
Chairman

Alec J. Koromilas
Member

A. Peter Kanjorski
Alternate Member

⁷ *Lucrecia M. Nielson*, 42 ECAB 583, 594 (1991).

⁸ *Daniel Deparini*, 44 ECAB 657, 659 (1993).