U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBERT J. GALLION and U.S. POSTAL SERVICE,
POST OFFICE, Columbus, OH

Docket No. 02-693; Submitted on the Record;
Issued September 6, 2002

DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,
COLLEEN DUFFY KIKO

The issue is whether appellant's left heel condition is causally related to his federal employment.

On July 20, 2000 appellant, then a 52-year-old clerk, filed a claim asserting that the heel spur for which he had surgery was a result of his federal employment. He explained that he was constantly on his feet performing his duties on concrete floors. To support his claim, appellant submitted medical records documenting his complaints and his doctor's findings, as well as general information on heel pain.

In a decision dated November 27, 2000, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the evidence was insufficient to establish that he sustained an injury due to the claimed employment factor. The Office accepted that appellant actually experienced the claimed employment factor, but the evidence failed to establish a medical diagnosis due to this factor.

Appellant requested an oral hearing before an Office hearing representative. After the hearing, which was held on May 2, 2001, appellant submitted a May 23, 2001 report from Dr. Jeffrey S. Wilson, a podiatrist, who addressed the issue of causal relationship as follows:

> "Myself and my associate, Dr. Lori DeBlasi have been treating [appellant] since February 12, 2001 with painful heelspur involving the left foot, which also was treated by another [p]o[d]iatric group in 2000.
>
> "[Appellant's] heel pain has continued and is possibly due to the amount of time he spends on his feet on a daily basis. He would benefit from decreasing his activity on his feet."

In a decision dated August 3, 2001, the hearing representative affirmed the November 27, 2000 denial of appellant's claim. The hearing representative found that the medical evidence

was insufficient to establish that his heel spur was causally related to the accepted factors of appellant's employment.

Appellant requested reconsideration. He submitted an August 20, 2001 report from Dr. Wilson:

> "[Appellant] state[d] in his visit on April 20, 2001 that his left foot pain started while he was performing work duties with the employing establishment.
>
> "Upon examination his pain is consistent with a condition known as plantar fascitis. This condition can be exacerbated over many years of the work tasks [appellant] is performing with the employing establishment."

In a decision dated December 19, 2001, the Office reviewed the merits of appellant's claim and denied modification of its prior decision.

The Board finds that the medical opinion evidence is insufficient to establish that appellant's left heel condition is causally related to his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.[2]

The Office accepts that appellant's duties required prolonged standing, walking, pushing and pulling on hard tile and concrete flooring throughout the day. The question, therefore, is whether these employment factors caused an injury.

Causal relationship is a medical issue[3] and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,[4] must be one of reasonable medical certainty[5]

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[1] 5 U.S.C. §§ 8101-8193.

[2] *See generally John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); *see also* 5 U.S.C. § 8101(5) ("injury" defined).

[3] *Mary J. Briggs*, 37 ECAB 578 (1986).

[4] *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

[5] *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.[6]

Appellant submitted two medical opinions from Dr. Wilson, a podiatrist, but these are insufficient to establish the element of causal relationship. On May 23, 2001 Dr. Wilson explained that he had been treating appellant for a painful heel spur of the left foot and that appellant's heel pain "is possibly due to the amount of time he spends on his feet on a daily basis." This opinion is of little probative value because it is speculative,[7] fails to describe the accepted factors of appellant's federal employment[8] and does not discuss how the accepted factors caused or contributed to appellant's painful heel spur.[9]

Dr. Wilson's August 20, 2001 opinion is also of little probative value. Although he reported that appellant's left foot pain started "while he was performing work duties with the [employing establishment]," he did not describe the work duties and, therefore, failed to demonstrate an understanding of the accepted employment factors. Dr. Wilson reported that appellant's heel pain was consistent with plantar fasciitis but did not explain how plantar fasciitis was related to the previously reported heel spur. He further reported that plantar fasciitis "can be exacerbated over many years of the work tasks [appellant] is performing with the [employing establishment]," but this amounts only to an assertion that exacerbation is a possibility, which is again speculative and of little probative value.

Without a well-reasoned medical opinion explaining how, medically speaking, the accepted factors of appellant's federal employment caused or contributed to a firmly diagnosed medical condition, appellant has not met his burden of proof to establish that he sustained an injury in the performance of duty.

[6] *See William E. Enright*, 31 ECAB 426, 430 (1980).

[7] *Philip J. Deroo*, 39 ECAB 1294 (1988) (although the medical opinion of a physician supporting causal relationship does not have to reduce the cause or etiology of a disease or condition to an absolute medical certainty, neither can such opinion be speculative or equivocal); *Jennifer Beville*, 33 ECAB 1970 (1982) (statement of a Board-certified internist that the employee's complaints "could have been" related to her work injury was speculative and of limited probative value).

[8] *James A. Wyrick*, 31 ECAB 1805 (1980) (physician's report was entitled to little probative value because the history was both inaccurate and incomplete). *See generally Melvina Jackson*, 38 ECAB 443, 450 (1987) (addressing factors that bear on the probative value of medical opinions).

[9] *Ceferino L. Gonzales*, 32 ECAB 1591 (1981); *George Randolph Taylor*, 6 ECAB 968 (1954) (medical conclusions unsupported by rationale are of little probative value).

The December 19 and August 3, 2001 decisions of the Office of Workers' Compensation Programs are affirmed.

Dated, Washington, DC
September 6, 2002

Michael J. Walsh
Chairman

Alec J. Koromilas
Member

Colleen Duffy Kiko
Member