

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JANE L. HOLY and U.S. POSTAL SERVICE,
POST OFFICE, Trumbull, CT

*Docket No. 03-320; Submitted on the Record;
Issued April 8, 2003*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof to establish that she sustained an injury in the performance of her federal duties.

On June 19, 2002 appellant, then a 43-year-old letter carrier, filed a notice of traumatic injury and claim for compensation (Form CA-1) alleging that while pulling mail out of a case she felt severe discomfort in her right elbow. According to appellant the pain went from her elbow to her wrist and into her right hand. In support of her claim, appellant submitted a June 19, 2002 report signed by Gary Miller, a physician's assistant, that contained a diagnosis of right elbow strain and tendinitis.

In a June 19, 2002 letter, Postmaster Ken Flemming wrote that appellant told him that she had pain in her elbow for approximately one week prior to the incident on June 19, 2002. In a June 26, 2002 letter, the Office of Workers' Compensation Programs requested more information from appellant. In an undated response, appellant wrote that as she was attempting to pull mail down from a letter case her elbow began to hurt and she could not grab the mail without feeling pain. Appellant wrote that she had pain in her elbow previously but had not sought treatment because the pain only occurred once in a while. Appellant also submitted duty status reports (Form CA-17) dated June 21, July 5 and July 9, 2002 from Dr. Sayed Reza, a specialist in family medicine, who diagnosed right elbow tendinitis and provided medical restrictions on appellant's work activities.

In an August 5, 2002 decision, the Office denied appellant's claim finding that appellant had established the incident occurred as alleged but she had not established fact of injury because the only diagnosis was from Mr. Miller, a physician's assistant.¹

¹ The Board notes that appellant submitted new medical evidence subsequent to the Office's decision. However, the Board cannot consider that evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c).

The Board finds that appellant has not met her burden of proof to establish that she sustained an injury in the performance of her federal duties.

An employee seeking benefits under the Federal Employees' Compensation Act² 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.³ The medical evidence required to establish a causal relationship between a claimed period of disability and an employment injury 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 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 supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴

In the present case, appellant has not submitted sufficient medical evidence to establish a causal relationship between the incident on June 19, 2002 and her medical condition. The medical reports (Form CA-17s) dated June 21, July 5 and July 9, 2002 from Dr. Reza, diagnosed right elbow tendinitis, but they fail to explain how appellant's employment activities were causally related to this condition. This rationale is especially important because appellant had pain in her right elbow prior to June 19, 2002. Absent medical rationale explaining the relationship between her employment factors and her current medical condition, appellant has not met her burden of proof.

² 5 U.S.C. §§ 8101-8193.

³ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁴ *See Donna Faye Cardwell*, 41 ECAB 730, 741-42 (1990).

The August 5, 2002 decision the Office of Worker's Compensation Programs is hereby affirmed.

Dated, Washington, DC
April 8, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member