

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EVELYN ANTLE and U.S. POSTAL SERVICE,
POST OFFICE, St. Petersburg, FL

*Docket No. 03-659; Submitted on the Record;
Issued April 10, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has established an employment-related injury pursuant to her claim filed on August 26, 2002.

On August 26, 2002 appellant, then a 52-year-old distribution clerk, filed a notice of occupational disease and claim for compensation (Form CA-2). Appellant identified the nature of her injury as leg length discrepancy and bilateral plantar fasciitis. In a narrative statement, appellant indicated that she had a prior claim for a right hip injury (OWCP File No. 06-0518901). On June 12, 2000 appellant underwent right hip replacement surgery and she had not returned to work. Appellant alleged that, as a result of her hip surgery, her right leg was longer than her left leg and this had resulted in pain in her legs, hip and back. According to appellant, the leg length discrepancy had aggravated a 1990 foot injury (OWCP File No. 06-0492835), and she also alleged that her plantar fasciitis was directly related to the surgery.

In a decision dated December 31, 2002, the Office of Workers' Compensation Programs denied the August 26, 2002 claim.

The Board finds that appellant has not met her burden of proof in this case.

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 the claimant.¹

¹ Victor J. Woodhams, 41 ECAB 345 (1989).

The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.² Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.³

In this case, the record establishes that appellant had a prior claim for a right hip injury. The narrative statement accompanying the August 26, 2002 claim indicates that appellant alleged that she sustained a consequential injury from the right hip injury and the hip surgery performed. A consequential injury flows from the primary employment injury,⁴ and therefore is properly pursued through the prior claim, not by filing a claim for a new injury. According to a September 18, 2002 letter from the employing establishment, the Office had been denying treatment for plantar fasciitis under File No. 06-0518901, and appellant indicated that she believed that by filing a new claim she could have the plantar fasciitis accepted. Again, if appellant is claiming that plantar fasciitis was a consequence of the hip surgery, this should be adjudicated pursuant to the prior claim.

Although the Office denied the present claim by referring to the lack of medical evidence, the initial deficiency of the claim is that appellant has not identified any new employment factors. The narrative statement relates additional injuries to the June 2000 hip surgery, and appellant indicated that she had not worked since that time. In the absence of a factual statement identifying new employment factors as contributing to a diagnosed condition, appellant has not met her burden of proof with respect to the August 26, 2002 claim.

² See *Walter D. Morehead*, 31 ECAB 188 (1979).

³ *Manuel Garcia*, 37 ECAB 767 (1986).

⁴ See, e.g., *Margarette B. Rogler*, 43 ECAB 1034 (1992).

The decision of the Office of Workers' Compensation Programs dated December 31, 2002 is modified to reflect that appellant did not identify employment factors and is affirmed as modified.

Dated, Washington, DC
April 10, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member