

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VIRGINIA L. GRIMM and U.S. POSTAL SERVICE,
POST OFFICE, San Diego, CA

*Docket No. 02-1162; Submitted on the Record;
Issued January 21, 2003*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury to her neck in the performance of duty.

On June 7, 2001 appellant, then a 51-year-old letter carrier, filed a notice of occupational disease and claim for compensation alleging that on October 1, 1999 she realized that her neck condition was causally related to her federal employment. Appellant experienced neck and back pain while lifting trays and tubs of mail and carrying a satchel. She alleged that this pain is a result of the deterioration of the neck bones, causing arthritis and headaches. On the reverse of the form, appellant's supervisor did not indicate whether appellant stopped working.

In a letter dated June 22, 2001, 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. Appellant was directed to provide a comprehensive medical report from her treating physician.

In response to the Office's letter, appellant submitted a narrative report, addressing the questions the Office posed in its June 22, 2001 letter. Also the employing establishment submitted a memorandum to the Office, regarding appellant's work duties.

By decision dated July 23, 2001, the Office denied appellant's claim. The Office found that there was no medical evidence establishing that appellant's neck condition was caused by factors of her federal employment.

The Board finds that appellant has not met her burden of proof in establishing that she sustained a condition to her neck causally related to factors of her federal employment.

¹ 5 U.S.C. §§ 8101-8193.

An employee seeking benefits under the Act 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.² 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.³

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 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.

In the instant case, appellant has attributed her neck condition to factors of her job as a letter carrier in the course of her federal employment; however, appellant has not provided rationalized medical opinion evidence supporting a causal relation between her neck condition and her work factors.

As noted above, part of the 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 and the Office properly denied her claim.

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Daniel J. Overfield*, 42 ECAB 718, 721 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

The decision of the Office of Workers' Compensation Programs dated July 23, 2001 is affirmed.

Dated, Washington, D.C.

Dated, Washington, DC
January 21, 2003

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member