

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of RICHARD Z. MORDUS and U.S. POSTAL SERVICE,  
POST OFFICE, Dahlgren, VA

*Docket No. 02-1902; Submitted on the Record;  
Issued March 11, 2003*

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DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,  
WILLIE T.C. THOMAS

The issue is whether appellant has established that he sustained a right ankle condition in the performance of duty.

Appellant, a 31-year-old letter carrier, injured his right ankle on March 30, 1984. The Office of Workers' Compensation Programs accepted the claim for right ankle fracture. On December 5, 2000 appellant filed a Form CA-2 claim based on occupational disease, alleging that he sustained a right ankle condition causally related to the March 30, 1984 work injury.

In a Form CA-20 report dated March 16, 2000, Dr. Edward J. Floyd, a podiatrist, stated that appellant demonstrated chronic instability in his right ankle with post-traumatic arthritis. Dr. Floyd noted that appellant had undergone surgery on the ankle and diagnosed chronic degenerative joint disease with progressive instability and pain. He also checked a box indicating that he believed the diagnosed condition was caused or aggravated by an employment activity.

By letter dated July 31, 2001, the Office requested that appellant submit additional medical evidence in support of his claim. Appellant did not submit any additional medical evidence. By decision dated September 18, 2001, the Office denied the claim, finding that appellant did not submit medical evidence sufficient to establish that his claimed right ankle condition was causally related to his accepted right ankle injury.

By letter dated October 1, 2001, appellant's attorney requested an oral hearing, which was held on April 24, 2002.

By decision dated June 18, 2002, an Office hearing representative affirmed the Office's September 18, 2001 decision.

The Board finds that appellant did not meet his burden of proof to establish that his alleged right ankle condition was sustained in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing that 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.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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. The medical evidence required to establish causal relationship is usually rationalized medical 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 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.<sup>4</sup>

In the present case, the only medical evidence submitted by appellant was the March 16, 2000 Form CA-20 report from Dr. Floyd, who stated that appellant showed chronic instability of the right ankle with post-traumatic arthritis, noted that he underwent right ankle surgery and diagnosed chronic degenerative joint disease with progressive instability and pain. However, Dr. Floyd's findings were of a summary nature and did not contain a rationalized medical opinion addressing and explaining why appellant's claimed condition and disability was causally related to employment factors or conditions. Further, a checked box is insufficient to establish the claim, as the Board has held that, without further explanation or rationale, a checked box is not sufficient to establish causation.<sup>5</sup>

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>4</sup> *Id.*

<sup>5</sup> *Debra S. King*, 44 ECAB 203 (1992); *Salvatore Dante Roscello*, 31 ECAB 247 (1979).

the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.<sup>6</sup> Causal relationship must be established by rationalized medical opinion evidence. The Office advised appellant of the type of evidence required to establish his claim; however, appellant failed to submit such evidence. Dr. Floyd's opinion was of limited probative value in that he did not provide adequate medical rationale in support of his conclusions.<sup>7</sup> He did not explain the process through which factors of appellant's employment would have been competent to cause the claimed right ankle condition. Thus appellant failed to submit sufficient medical evidence to establish that his right ankle condition was sustained in the performance of duty.

Accordingly, as the record contains no probative, rationalized medical evidence establishing a causal relationship between appellant's claimed conditions and factors or incidents of employment, appellant has failed to sustain his burden.

The decision of the Office of Workers' Compensation Programs dated June 18, 2002 is hereby affirmed.

Dated, Washington, DC  
March 11, 2003

Alec J. Koromilas  
Chairman

Colleen Duffy Kiko  
Member

Willie T.C. Thomas  
Alternate Member

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<sup>6</sup> *See id.*

<sup>7</sup> *William C. Thomas*, 45 ECAB 591 (1994).