

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BOBBY L. McKNIGHT and U.S. POSTAL SERVICE,
POST OFFICE, Louisville, KY

*Docket No. 03-1853; Submitted on the Record;
Issued October 3, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant sustained an injury in the performance of duty causally related to his federal employment.

On November 22, 2002 appellant, then a 61-year-old custodian, filed a claim for traumatic injury alleging that on November 14, 2002, he sustained a hernia while emptying trash.

In a report dated January 21, 2003, Dr. David L. Crain, appellant's treating surgeon, stated that he performed a right inguinal hernia repair on appellant that day. On February 12, 2003 Dr. Crain released appellant to return to full duty effective February 18, 2003.

By letter dated March 19, 2003, the Office advised appellant that the evidence he submitted in support of his claim was insufficient to establish that he sustained an injury in the performance of duty. The Office advised that it would need a medical report from his doctor noting a history of injury, a firm diagnosis of a condition resulting from the injury and an explanation if the doctor believed the condition was caused by his employment.

Appellant thereafter submitted a report dated December 2, 2002, in which Dr. Crain stated that appellant related that when he lifted a heavy object at work, he felt a burning, tearing feeling in his right groin and developed a bulge in the groin area. Dr. Crain diagnosed a right inguinal hernia and scheduled a January 2003 surgical repair. In a January 31, 2003 postsurgical report, Dr. Crain stated that appellant was doing well with pain only at the infra-medial aspect of the incision. On March 3, 2003 Dr. Crain stated that appellant was doing well although he noted complaints at the most lateral aspect of the incision. In a report dated April 7, 2003, Dr. Crain again stated that appellant related that his hernia could have happened as the result of heavy lifting at work.

By decision dated April 30, 2003, the Office denied appellant's claim for compensation on the grounds that he failed to establish fact of injury. The Office accepted that the incident

occurred as alleged, but found that the evidence did not establish the existence of a condition diagnosed in connection with the employment incident.

The Board finds that appellant failed to establish that he sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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 filed within the applicable time limitation of the Act; that an injury was sustained while in the performance of duty as alleged; and that any disability and or specific condition for which compensation is claimed are casually related to the employment injury. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.²

The medical evidence required to establish causal relationship, generally, 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 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.³

In the instant case, there is no dispute that appellant had an inguinal hernia. However, there is no rationalized medical opinion evidence to support a causal relationship between appellant's employment and his hernia. The medical evidence failed to provide an opinion with supporting rationale explaining how factors of appellant's employment caused or contributed to appellant's hernia. In his December 2, 2002 report, Dr. Crain diagnosed a right inguinal hernia, and noted appellant's belief that it was caused by his lifting a heavy object at work. However, Dr. Crain did not indicate when the lifting incident occurred, what or how much appellant lifted, or how the actual lifting caused the hernia. Since this report does not include a complete and accurate history of injury relating appellant's lifting incident and his hernia, it has little probative value.⁴ Likewise, Dr. Crain's reports of January 21 and 31, February 12 and March 2, 2003 do not include an opinion regarding the cause of appellant's condition and thus are insufficient to establish his claim.⁵ In his April 7, 2003 report, Dr. Crain noted that appellant believed that his hernia most likely could have happened as the result of heavy lifting at work. This report is also insufficient to establish appellant's claim in that it merely reports appellant's belief, and the

¹ 5 U.S.C. §§ 8101-8193.

² *Rebecca LeMaster*, 50 ECAB 254 (1999).

³ *Leslie C. Moore*, 52 ECAB 132 (2000).

⁴ *Douglas M. McQuaid*, 52 ECAB 382 (2001).

⁵ *See supra* note 3.

Board has held that an opinion which is speculative or equivocal is of limited probative value regarding the issue of causal relationship.⁶ The Board therefore finds that appellant failed to meet his burden of proof that the lifting incident of November 14, 2002 caused his hernia.

The April 30, 2003 decision of the Office of Workers' Compensation Programs is affirmed.⁷

Dated, Washington, DC
October 3, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

⁶ *Ricky S. Storms*, 52 ECAB 349 (2001).

⁷ The Board notes that appellant submitted medical evidence subsequent to the Office's April 30, 2003 decision. The Board cannot consider this evidence, however, as its review of the case is limited to the evidence of record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Appellant retains the right to submit this evidence to the Office, along with a valid request for reconsideration.