

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOSEPH A. COREA and U.S. POSTAL SERVICE,
DOMINICK V. DANIELS P&D CENTER, Kearny, NJ

*Docket No. 03-1810; Submitted on the Record;
Issued September 30, 2003*

DECISION and ORDER

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

The issue is whether appellant sustained a foot condition in the performance of duty.

On December 19, 2001 appellant then a 34-year-old mailhandler, filed an occupational disease claim alleging that he sustained a bone spur on his left heel due to being overworked, walking on hard asphalt flooring and lifting thousands of pounds of mail daily.¹

By letter dated February 7, 2002, the Office of Workers' Compensation Programs advised appellant that he needed to submit additional information, including a detailed description of the job activities that caused his condition and a comprehensive medical report with a rationalized medical opinion on the relationship between appellant's employment factors and his foot condition.

By decision dated April 15, 2002, the Office denied appellant's claim on the grounds that the evidence of record did not establish that he sustained a foot condition in the performance of duty.

By decision dated April 28, 2003, the Office denied modification of its April 15, 2002 decision.

The Board finds that appellant failed to meet his burden of proof to establish that he sustained a foot condition in the performance of duty.

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

¹ Appellant subsequently added several other bilateral foot conditions to his claim.

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.² The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.³ 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.⁴ The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁵

In a statement dated January 4, 2001, John Tutt, appellant's supervisor, noted that appellant did not lift thousands of pounds of mail a day as he claimed. In a March 6, 2003 statement, Mr. Tutt stated that appellant's job required standing intermittently for 6 hours and 45 minutes a day while "dumping mail," but required little or no walking. He stated that appellant performed other jobs, such as working the culling belt, working transport or driving a motor vehicle that permitted alternate sitting and standing. Mr. Tutt indicated that none of appellant's tasks was continuous or repetitive.

In a report dated December 11, 2002, Dr. Joseph T. Corona, an attending physician, stated that appellant's job involved repetitive lifting and dumping thousands of pounds of mail and a considerable period of walking and standing. He noted that appellant had a stress fracture of the left fourth metatarsal and plantar fasciitis of the right heel in 1998 due to repetitive standing and walking at work, left peroneal tendinitis in 1999 related to his job, a stress fracture of the right fourth metatarsal in June 2001 and left heel plantar fasciitis and right heel retrocalcaneal bursitis in December 2001. Dr. Corona stated his opinion that these conditions were causally related to appellant's employment. However, his opinion on causal relationship is not based on an accurate factual background. Appellant's supervisor stated that appellant's job did not require lifting thousands of pounds of mail a day and required little walking. As Dr. Corona's report is not based upon an accurate history of appellant's employment factors it is of diminished probative value and is insufficient to establish a work-related foot condition.

² *Victor J. Woodhams*, 41 ECAB 345 (1989).

³ The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may be dispensed with to establish a claim. See *Naomi A. Lilly*, 10 ECAB 560 (1959). The instant case, however, is not a case of obvious causal connection.

⁴ *Victor J. Woodhams*, *supra* note 2.

⁵ *Manuel Garcia*, 37 ECAB 767 (1986).

Appellant failed to provide an accurate detailed description of the employment factors causing his claimed foot conditions or a rationalized medical report based upon a complete and accurate factual background, establishing that his foot conditions were causally related to factors of his employment. Therefore, he failed to meet his burden of proof and the Office properly denied his claim.

The decision of the Office of Workers' Compensation Programs dated April 28, 2003 is affirmed.

Dated, Washington, DC
September 30, 2003

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member