

affirmative mark that appellant's right knee strain was caused or aggravated by the employment activity described.

On October 7, 2004 the Office notified appellant that the evidence received was insufficient to support her claim for compensation. The Office asked her to submit a detailed narrative report from her attending physician providing a history of injury, symptoms, findings and a firm diagnosis. The Office emphasized: "Your physician must also indicate whether and explain why the condition diagnosed is believed to have been caused or aggravated by your claimed injury. This evidence is crucial in consideration of your claim. You may wish to discuss the contents of this item with your physician."

On October 18, 2004 the Office received some additional emergency room documents relating to appellant's September 22, 2004 admission. One form, signed by the same nurse practitioner, indicated that she twisted her right knee while walking at work as a mail carrier. The initial diagnosis was right knee strain.

In a decision dated November 9, 2004, the Office denied appellant's claim for compensation. The Office found that the evidence supported that the claimed event occurred, but there was no medical evidence providing a diagnosis, submitted by a medical doctor that could be connected to the event. The Office explained that a nurse is not qualified to render a medical opinion regarding either a diagnosis of appellant's condition or its causal relationship to the event that occurred at work. Appellant requested a review of the written record by an Office hearing representative.

In a decision dated April 22, 2005, the Office hearing representative affirmed the denial of appellant's claim: "While there is no dispute that the incident occurred as reported by the claimant, the medical evidence is not sufficient to establish that the claimant sustained an injury on September 22, 2004 in the performance of duty as alleged."

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.²

¹ 5 U.S.C. §§ 8101-8193.

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); see also 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. §§ 10.5(a)(15)-.5(a)(16) ("traumatic injury" and "occupational disease or illness" defined).

Causal relationship is a medical issue³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁴ must be one of reasonable medical certainty⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁶ A nurse is not a "physician" within the meaning of the Act and is, therefore, not competent to give a medical opinion on the issue of causal relationship.⁷

ANALYSIS

The Office accepts that on September 22, 2004 appellant was walking in the performance of her duties as a mail carrier. There is no reason to doubt that she took a quick right, as she described in her request for a review of the written record. The Board finds that appellant experienced a specific incident occurring at the time, place and in the manner alleged. The question for determination is whether this event or incident caused an injury.

Causal relationship is a medical issue that must be established by a physician. Appellant has submitted only the opinion of a nurse practitioner, but a nurse is not a "physician" as defined under the Act and is not competent to render an opinion on causal relationship. As a result, this case contains no medical opinion evidence of any value to support her claim that she injured her right knee on September 22, 2004 while delivering mail. To establish her entitlement to compensation benefits, she must have a physician describe what exactly happened on September 22, 2004 and explain how that event or incident caused a firmly diagnosed medical condition. The Office well advised appellant on October 7, 2004 of the need to submit such evidence. Without a probative medical opinion to support the element of causal relationship, she has not met her burden of proof. The Board will affirm the Office's November 9, 2004 and April 22, 2005 decisions denying appellant's claim.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that she sustained an injury in the performance of duty on September 22, 2004. While there is no dispute

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ *Vicky L. Hannis*, 48 ECAB 538 (1997); *see* 5 U.S.C. § 8101(2) (the term "physician" includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors and osteopathic practitioners within the scope of their practice as defined by state law).

about her duties and physical activities that day, no physician has offered a reasoned medical opinion explaining how those duties caused a diagnosed medical condition.

ORDER

IT IS HEREBY ORDERED THAT the April 22, 2005 and November 9, 2004 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: December 2, 2005
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board