

medical treatment on January 18, 2005 and was diagnosed as having tendinitis of the Achilles heel. Appellant submitted a January 18, 2005 return to work report of a physician whose signature is illegible which found that he had tendinitis in the Achilles tendon and a strained right heel. The report indicated that he could return to a sit down job on January 18, 2005 and that he should avoid heavy weight bearing with the right lower extremity.

By letter dated February 8, 2005, the Office advised appellant that the evidence submitted was insufficient to establish his claim. The Office further advised him to explain whether he was filing a claim for a traumatic injury for the January 11, 2005 incident or an occupational disease due to factors of his employment. The Office requested that he submit additional factual and medical information regarding the alleged injury sufficient to establish his claim.

Appellant submitted unsigned treatment notes covering intermittent dates from January 18 through March 22, 2005 which indicated that while working as a letter carrier for the employing establishment, he developed Achilles tendinitis, a strained right heel and plantar fasciitis. Appellant could work with specified physical restrictions. A February 1, 2005 treatment note indicated that appellant's Achilles condition had "resolved a while ago." A March 8, 2005 treatment note indicated that his Achilles tendinitis had resolved but that his strained right heel was still a symptomatic.

Appellant also submitted treatment notes dated February 22 and March 8, 2005 from Gina Chatfield, a registered nurse, who recommended that appellant rest and indicated that his right heel strain with Achilles tendinitis was doing better. A February 14, 2005 treatment note indicated that appellant's right heel strain and Achilles tendinitis were doing better. A March 22, 2005 treatment note revealed that appellant's conditions were not getting better as he experienced some good and bad days.

Return to work reports dated February 19 and March 8 and 22, 2005 from physicians whose signatures are illegible indicated that appellant suffered from Achilles tendinitis and a right heel strain and that he could work with certain physical limitations.

A February 22, 2005 report of a physician's assistant indicated that appellant had Achilles tendinitis and a right heel strain and that he could return to work on that date with certain physical limitations.

By decision dated April 21, 2005, the Office denied appellant's claim. The Office found that the medical evidence of record failed to establish that appellant sustained an injury caused by his work as a letter carrier.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his 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

¹ 5 U.S.C. §§ 8101-8193.

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 the essential elements of each 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 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 a causal relationship 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.⁴

ANALYSIS

There is no dispute that appellant was working as a letter carrier when he experienced Achilles tendinitis and a right heel sprain. However, the Board finds that appellant has failed to establish a causal relationship between his claimed conditions and his federal employment.

Appellant submitted unsigned return to work reports and treatment notes which provided a diagnosis of Achilles tendon and a strained right heel and found that he could work with certain physical restrictions. The Board finds that these reports and treatment notes are insufficient to establish appellant's claim because it is not clear that they are from a physician and lack proper identification.⁵ The treatment notes of Ms. Chatfield, a registered nurse, and those of another nurse whose signature is illegible, found that appellant had Achilles tendinitis and a right heel strain. The Board finds that these treatment notes are insufficient to establish appellant's claim because a registered nurse is not considered a "physician" under the Act.⁶ Similarly, the Board

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

⁴ *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

⁵ *Vickey C. Randall*, 51 ECAB 357 (2000); *Merton J. Sills*, 39 ECAB 572 (1988) (reports not signed by a physician lack probative value).

⁶ 5 U.S.C. § 8101(2); *see also, Vicky L. Hannis*, 48 ECAB 538, 540 (1997) (a nurse is not a physician under the Act).

finds that the report of a physician's assistant which found that appellant had Achilles tendinitis and a right heel strain is insufficient to establish appellant's claim as a physician's assistant is not considered a "physician" under the Act.⁷ These reports do not constitute probative medical evidence.

Appellant has failed to submit rationalized medical evidence establishing that his Achilles tendinitis and right heel sprain were caused or aggravated by factors of his employment in his position as a letter carrier. He did not meet his burden of proof in this case.

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the April 21, 2005 decision of the Office of Workers Compensation Programs is affirmed.

Issued: October 20, 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

⁷ 5 U.S.C. § 8101(2); *see also, Ricky S. Storms*, 52 ECAB 349 (2001).