

**United States Department of Labor
Employees' Compensation Appeals Board**

WILLIAM HAND, Appellant

and

**U.S. POSTAL SERVICE, GENERAL MAIL
FACILITY, North Reading, MA, Employer**

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**Docket No. 06-965
Issued: July 3, 2006**

Appearances:
William Hand, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On March 17, 2006 appellant filed a timely appeal from a March 7, 2006 decision of the Office of Workers' Compensation Programs which denied appellant's claim. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

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

FACTUAL HISTORY

On December 4, 2005 appellant, a 51-year-old mail handler, filed an occupational disease claim alleging that on September 25, 2005 he first realized that his walking, long hours and working nights caused or aggravated his diabetes and right leg amputation.

By letter dated December 12, 2005, the Office asked appellant to submit additional information including a comprehensive medical report from his treating physician, which

included a reasoned explanation as to how the specific work factors or incidents identified by appellant had contributed to his claimed injury. Appellant was afforded 30 days to submit the requested information.

On January 10, 2006 the Office received a December 20, 2005 disability note by Dr. Rosemary Chou, a treating Board-certified internist, a job description from the employing establishment, absence analysis for the year 2005 and a bargaining unit certification standard for Level 4 mail handler. She released appellant to light-duty work full time as of January 3, 2006.

On February 6, 2006 the Office received a January 23, 2006 work tolerance report by Dr. Mary Beth Hodge, a treating Board-certified internist and endocrinologist, who diagnosed Type I diabetes and amputation below the right knee.

By decision dated March 7, 2006, the Office denied appellant's claim on the grounds that he had not established a causal relationship between the diagnosed condition and work-related activities.

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 an injury was sustained in the performance of duty as alleged,² and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.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 the 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 diagnosed condition is causally related to the employment factors identified by the claimant.⁴ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence, *i.e.*, medical evidence presenting a physician's well-reasoned opinion on how the established factor of employment caused or contributed to the claimant's diagnosed condition. To be of probative value, the opinion of the physician must be based on a complete

¹ 5 U.S.C. §§ 8101-8193.

² *Joseph W. Kripp*, 55 ECAB ____ (Docket No. 03-1814, issued October 3, 2003); *see also Leon Thomas*, 52 ECAB 202, 203 (2001). When an employee claims that he sustained injury in the performance of duty he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury. *See also* 5 U.S.C. § 8101(5) (injury defined); 20 C.F.R. § 10.5(q) and (ee) (2006) (Occupational disease or Illness and Traumatic injury defined).

³ *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

⁴ *Michael R. Shaffer*, 55 ECAB ____ (Docket No. 04-233, issued March 12, 2004). *See also Solomon Polen*, 51 ECAB 341 (2000).

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.⁵ An award of compensation may not be based on appellant's belief of causal relationship. Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish a causal relationship.⁶

ANALYSIS

It is not disputed that appellant's job required prolonged walking, reaching and standing, handling of heavy and moving, loading and unloading bulk mail or that he has diagnosed diabetes and a leg amputation. However, the Board finds that the medical evidence is insufficient to establish that the accepted employment factors caused or aggravated his diabetes or right knee condition.

The medical evidence of record includes a December 20, 2005 disability certificate by Dr. Chou and a January 24, 2006 report by Dr. Hodge who diagnosed Type I diabetes and amputation below the right knee. However, he did not provide an opinion regarding the cause of an appellant's condition. The Board has held that medical evidence that does not offer any opinion regarding causal relationship is of diminished probative value on the issue of causal relationship.⁷ As Dr. Hodge provided no opinion as to causal relationship, this report is insufficient to meet appellant's burden. Dr. Chou's December 20, 2005 disability certificate indicated that appellant could return to work effective January 3, 2006. However, Dr. Chou did not provide a specific diagnosis or an explanation of how any condition was work related. The Board has long held that medical opinions not containing rationale on causal relation are of diminished probative value and are generally insufficient to meet appellant's burden of proof.⁸ Dr. Chou's disability certificate is insufficient to establish appellant's claim because the physician failed to indicate a diagnosis or discuss how appellant's condition was caused or aggravated by appellant's employment.⁹

Appellant expressed his belief that his alleged condition resulted from his employment duties. The Board has held that 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.¹⁰ Neither the fact that the condition became apparent during a period of employment nor the belief

⁵ *Leslie C. Moore*, 52 ECAB 132, 134 (2000); *see also Ern Reynolds*, 45 ECAB 690 (1994).

⁶ *Phillip L. Barnes*, 55 ECAB ____ (Docket No. 02-1441, issued March 31, 2004); *see also Dennis M. Mascarenas*, *supra* note 3.

⁷ *Ellen L. Noble*, 55 ECAB ____ (Docket No. 03-1157, issued May 7, 2004).

⁸ *Carolyn F. Allen*, 47 ECAB 240 (1995).

⁹ *Daniel Deparini*, 44 ECAB 657 (1993).

¹⁰ *Roy L. Humphrey*, 57 ECAB ____ (Docket No. 05-1928, issued November 23, 2005).

that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹¹ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit. Therefore, appellant's belief that his condition was caused by the alleged work-related injury is not determinative.

The Office advised appellant that it was his responsibility to provide a comprehensive medical report which described his symptoms, test results, diagnosis, treatment and the doctor's opinion, with medical reasons, on the cause of his condition. Appellant failed to do so. As there is no probative, rationalized medical evidence addressing how appellant's claimed conditions were caused or aggravated by his employment, he has not met his burden of proof in establishing that he sustained an occupational disease in the performance of duty causally related to factors of employment.

CONCLUSION

The Board finds that appellant has not established that he sustained an injury in the performance of duty, causally related to factors of his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated March 7, 2006 is affirmed.

Issued: July 3, 2006
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

¹¹ *Sandra D. Pruitt*, 57 ECAB ____ (Docket No. 05-739, issued October 12, 2005).