



In support of his claim, appellant submitted treatment notes from Dr. Peter Weitzman, Board-certified in internal medicine. In a November 17, 2005 note, the physician indicated that appellant had complaints of pain in his right hand localized in the second metacarpal joint. He advised that appellant worked as a mailman and had “continuous repetitive motion with his right hand, particularly for the [second] finger.” Appellant did not sustain an acute injury to the hand, rather, the physician opined that it was a continuous repetitive motion injury. Dr. Weitzman diagnosed osteoarthritis of the right second metacarpal joint, secondary to repetitive motion injuries and referred appellant for diagnostic testing. A November 17, 2005 x-ray, read by Dr. Xavier Zielinski, a Board-certified diagnostic radiologist, revealed polyarticular osteoarthritic changes in the third metacarpal.

By letter dated December 1, 2005, the Office advised appellant that additional factual and medical evidence was needed. The Office explained that a physician’s opinion was crucial to his claim and allotted 30 days within which to submit the requested information. In particular, the Office noted that arthritis was common among the general population and that it could not be assumed that this was caused by his work duties.

By decision dated January 6, 2006, the Office denied appellant’s claim. The Office found that the medical evidence did not demonstrate that the claimed medical condition was related to established work-related events.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> 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 timely filed within the applicable time limitation period of the Act, that an injury was sustained in the 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.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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 causal relationship, generally, is rationalized medical opinion

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

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.<sup>4</sup>

### ANALYSIS

The evidence establishes that appellant has arthritis in his right hand and that he cases mail at work. However, appellant submitted insufficient medical evidence to establish that his right hand condition that was caused or aggravated by the activities of casing mail or any other factors of his federal employment.

Appellant submitted treatment notes from Dr. Weitzman, who on November 17, 2005, noted that appellant had complaints of pain in his right hand and indicated that appellant worked as a mailman and had "continuous repetitive motion with his right hand, particularly for the [second] finger." He diagnosed osteoarthritis of the right second metacarpal joint, secondary to repetitive motion injuries. However, the Board notes that this report does not specifically address how any factors of appellant's employment caused or aggravated the diagnosed condition.<sup>5</sup> Consequently, the Board finds that this evidence is insufficient to establish appellant's claim.

Appellant also submitted a November 17, 2005 x-ray, from Dr. Zielinski, which contained a diagnosis. However, this report merely reported findings and did not contain an opinion regarding the cause of the reported condition. Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee's burden of proof.<sup>6</sup>

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.<sup>7</sup> Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>8</sup> Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

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<sup>4</sup> *Id.*

<sup>5</sup> *Linda I. Sprague*, 48 ECAB 386 (1997) (medical evidence that does not offer any opinion regarding the cause of an employee's condition is of diminished probative value on the issue of causal relationship).

<sup>6</sup> *Lois E. Culver (Clair L. Culver)*, 53 ECAB 412 (2002).

<sup>7</sup> *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

<sup>8</sup> *Id.*

As there is no reasoned medical evidence explaining how appellant employment duties caused or aggravated a right hand condition, appellant has not met his burden of proof in establishing that he sustained a medical condition in the performance of duty causally related to factors of his employment.

**CONCLUSION**

The Board finds that appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 6, 2006 is affirmed.

Issued: May 18, 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