

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

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**G.G., Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Tulsa, OK, Employer**

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**Docket No. 06-1563  
Issued: November 14, 2006**

*Appearances:*

*Alan J. Shapiro, Esq., for the appellant  
Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

DAVID S. GERSON, Judge  
MICHAEL E. GROOM, Alternate Judge  
JAMES A. HAYNES, Alternate Judge

**JURISDICTION**

On June 30, 2006 appellant filed a timely appeal from the April 24, 2006 merit decision of the Office of Workers' Compensation Programs, which denied his claim for compensation. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to review the merits of his case.

**ISSUE**

The issue is whether appellant sustained an injury in the performance of duty.

**FACTUAL HISTORY**

On February 21, 2006 appellant, then a 51-year-old letter carrier, filed a claim alleging that his neck pain and the numbness in his left arm and hand was a result of his federal employment: "I believe that this injury is related to my employment due to fact that since my fusion of C5-6 vertebrae and that I was restricted from carrying a satchel on my shoulder to deliver mail, I was subjected to carry mail in my left arm for the past 10 years and believe this injury is directly related to carrying mail in this manner."

On March 20, 2006 the Office asked appellant to submit evidence to support his claim:

“In each occupational disease case, it is the responsibility of the individual claiming benefits to identify fully the specific employment factors which are believed to have caused or contributed to a claimed medical condition and to provide a detailed narrative medical report, with rationalized opinion, from a qualified physician which established that a condition or disability was sustained due to work factors.

“Rationalized medical opinion evidence is an opinion of the physician which is based on a complete factual and medical background of the claimant, is of reasonable medical certainty and is supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.”

The Office requested that appellant submit the following within 30 days:

“Provide a comprehensive medical report from your treating physician which describes your symptoms; results of examinations and tests; diagnosis; the treatment provided; the effect of treatment; and the doctor’s opinion, with medical reasons, on the cause of your condition. Specifically, if your doctor feels that exposure or incidents in your [f]ederal employment contributed to your condition, an explanation of how such exposure contributed should be provided.”

Appellant did not respond.

In a decision dated April 24, 2006, the Office denied appellant’s claim for compensation. The Office noted that appellant submitted no rationalized medical evidence to establish that he sustained an injury.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an 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.<sup>2</sup>

Causal relationship is a medical issue,<sup>3</sup> and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> See *Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). See generally *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

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,<sup>4</sup> must be one of reasonable medical certainty<sup>5</sup> 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.<sup>6</sup>

### **ANALYSIS**

The Office notified appellant of the medical evidence he needed to submit to support his claim. Appellant wrote that he would try to provide medical reports within the 30 days given, but he did not submit the evidence requested. The record contains a few return-to-work forms, an appointment verification, work limitations, a duty status report and a report of a cervical epidural steroid injection.<sup>7</sup> None of these documents provides a doctor's discussion of whether carrying mail caused or contributed to any diagnosed medical condition. With no medical opinion to support that he sustained an injury in the performance of his federal duties, appellant has not established a *prima facie* claim for benefits. The Board will affirm the denial of his claim.

### **CONCLUSION**

The Board finds that appellant has not met his burden of proof to establish that carrying mail caused neck pain or the numbness in his left arm and hand. He cannot meet his burden of proof without it.

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<sup>4</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>5</sup> *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

<sup>6</sup> *See William E. Enright*, 31 ECAB 426, 430 (1980).

<sup>7</sup> This report noted fusion at C5-6 in the past and stated that a magnetic resonance imaging scan indicated a herniated C6-7 disc.

**ORDER**

**IT IS HEREBY ORDERED THAT** the April 24, 2006 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 14, 2006  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board