

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

T.O., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Toa Baja, PR, Employer**

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**Docket No. 06-1614
Issued: November 21, 2006**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
MICHAEL E. GROOM, Alternate Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On July 10, 2006 appellant filed a timely appeal of an April 10, 2006 decision of the Office of Workers' Compensation Programs denying his claim for compensation. 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 an injury causally related to his federal employment.

FACTUAL HISTORY

On September 11, 2005 appellant, then a 36-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that he sustained "cephalgia [headaches] aggravation" as a result of his federal employment. In an accompanying statement, he noted a history of headaches since January 1998. Appellant alleged neck stiffening and "stresses to [his] central nervous system" from carrying heavy mail parcels had aggravated his headaches. In an October 30, 2005 statement, he reported his cephalgia was aggravated by "physical and

psychological pressure,” and he noted “constant harassment of poor productivity.” Appellant described in detail his job duties of casing and delivering mail.

In a report dated August 23, 2005, Dr. Tomas Hernandez, a neurologist, provided a history noting that appellant sustained multiple injuries in April 1993 during a parachute jump, and had noticed a progressive worsening of his condition. He also listed a December 8, 1997 employment injury involving a fall inside an open sewer. Dr. Hernandez provided results on examination. His diagnoses included status post multiple body trauma during parachute jump, status post cerebral concussion secondary to jump, post-traumatic cephalgia secondary to concussion, chronic epidural hematoma at C2-3, cervical radiculopathy and L5-S1 bulging disc secondary to jump, “aggravation of all of the above entities due to his job as a mail carrier,” bilateral carpal tunnel “as a consequence of his job,” bilateral thoracic outlet syndrome “most probably” due to his job, partial rotator cuff tear as a consequence of the job and obsessive-compulsive disorder. Dr. Hernandez stated that appellant’s duties required him to carry, lift, push and pull heavy parcels, bend, kneel and walk, and perform repetitive movements while casing mail. He opined that appellant’s “original service[-]connected conditions became [worse] by his occupation, and he developed new medical entities in the performance of his duties as noted above.”

By letter dated March 14, 2006, the Office requested that Dr. Hernandez provide a medical report relating to the claimed condition of aggravation of cephalgia. In a report dated March 28, 2006, Dr. Hernandez stated that appellant’s condition was becoming worse due to pressures on the job. He stated that “cephalgias can be aggravated among other things by carrying heavy loads, overtime work, cramped or uncomfortable body postures, exposure to the sun, prolonged driving and unreasonable demands by his supervisors, something [appellant] states is rather frequently done.”

In a decision dated April 10, 2006, the Office denied the claim for compensation. It found that the factual and medical evidence were insufficient to establish the claim.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees’ Compensation Act¹ has the burden of establishing the essential elements of his claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.²

To establish that an injury was sustained in the performance of duty, a claimant must submit a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition, as well as medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed and establishing that the diagnosed condition is causally related to the employment

¹ 5 U.S.C. §§ 8101-8193.

² 20 C.F.R. § 10.115(e), (f) (2005); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

factors identified by the claimant.³ Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁴ A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁵ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors.⁶

ANALYSIS

Appellant's claim appears to involve two different aspects: (1) a claim for aggravation of headaches involving both physical and psychological factors, and (2) a claim for other physical injuries, including a cervical and lumbar condition, carpal tunnel syndrome and a rotator cuff tear, causally related to his federal employment. With respect to the aggravation of headaches, appellant made brief allegations of "harassment of poor production" and Dr. Hernandez reported "unreasonable demands" made by his supervisors. Before such allegations may be considered as compensable work factors there must be probative evidence submitted. A claimant must establish a factual basis for a claim of harassment by supporting the allegations with probative and reliable evidence.⁷ An employee's allegation that he or she was harassed or discriminated against is not determinative of whether or not harassment occurred.⁸ In addition, an allegation regarding an administrative or personnel matter may be a factor of employment only where the evidence discloses error or abuse by the employing establishment.⁹ In this case, appellant did not submit any evidence establishing a claim based on harassment or administrative error or abuse by the employing establishment.

In the absence of any additional compensable work factors, appellant's claim for aggravation of headaches is based on the physical duties he performed as a letter carrier. Although the Office stated that the factual evidence was insufficient to establish "an incident" as alleged, there does not appear to be any dispute that appellant performed the described job duties. The employing establishment stated that appellant had a mounted route that did not require walking long distances, but appellant did have to carry and case mail as part of his job. The deficiency is the medical evidence on the issue of causal relationship. Dr. Hernandez stated that cephalgias can be aggravated by a number of factors such as carrying heavy loads and cramped body posture, without providing any additional explanation for his stated conclusion.

³ *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

⁴ *See Robert G. Morris*, 48 ECAB 238 (1996).

⁵ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁶ *Id.*

⁷ *Gregory N. Waite*, 46 ECAB 662 (1995); *Barbara J. Nicholson*, 45 ECAB 803 (1994).

⁸ *Helen P. Allen*, 47 ECAB 141 (1995).

⁹ *See Michael Thomas Plante*, 44 ECAB 510 (1993); *Kathleen D. Walker*, 42 ECAB 603 (1991).

He noted a prior history of injuries in 1993 and 1997, without explaining how performing specific job duties aggravated the claimed condition. It is appellant's burden to submit probative medical evidence, and probative evidence must contain medical reasoning and explanation to support the opinion offered.

With respect to the numerous other conditions diagnosed by Dr. Hernandez, again there is no medical rationale on causal relationship provided. Dr. Hernandez made a general statement that appellant's conditions were aggravated by his job, without discussing the specific diagnosed condition and explaining how the job duties caused or aggravated the condition. The Board finds that appellant did not submit a reasoned medical opinion based on a complete background and therefore he did not meet his burden of proof in this case.

CONCLUSION

Appellant did not establish an aggravation of headaches or other condition causally related to his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated April 10, 2006 is affirmed.

Issued: November 21, 2006
Washington, DC

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

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

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