

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

M.B., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
St. Louis, MO, Employer**

)
)
)
)
)
)
)
)
)
)

**Docket No. 06-1226
Issued: September 14, 2006**

Appearances:
M.B., pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On May 2, 2006 appellant filed a timely appeal from the Office of Workers' Compensation Programs' decision dated April 3, 2006, denying his 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 met his burden of proof in establishing that he sustained a hernia in the performance of duty.

FACTUAL HISTORY

On December 27, 2005 appellant, then a 48-year-old letter carrier, filed an occupational disease claim alleging that "[m]any times while lifting. I would feel pain in my groin area. From past experience, having had two previous hernias, I suspected that the heavy lifting may be caused by another hernia." He first became aware of the injury and its relation to his work on May 5, 2005. Appellant did not realize the extent of his injury until October 11, 2005, when a primary care physician referred him to a surgeon. He did not stop work. In an addendum, appellant indicated that his duties included standing and sorting mail for approximately three hours each day, with the remainder of his eight-hour tour spent carrying and delivering mail on

foot. These duties required him to lift bundles of mail up to 70 pounds and carry trays of mail weighing up to 50 pounds. Appellant's satchel weighed approximately 35 pounds and, at times, he had to bend over low door slots or stretch over obstacles to place mail in a box, while the satchel was on his back. Several of the businesses he made deliveries to required him to pick up an average of 50 to 200 parcels per day. Appellant alleged that, on a daily basis, he was lifting, loading, carrying and pulling heavy weight.

In a December 23 2005 email, Ronald J. Dunlap, a supervisor, at the employing establishment confirmed that appellant's description of his duties was accurate. However, appellant only spent an average of 2 hours and 45 minutes casing mail and the weight appellant was carrying was probably not as heavy or as large as alleged. He provided a copy of the average time appellant spent performing his duties.

By letters dated February 7, 2006, the Office requested additional factual and medical evidence from appellant and the employing establishment.

In operative reports dated August 13, 1996 and December 8, 2005, Dr. Donald Kaminski, an attending Board-certified surgeon, performed a bilateral inguinal hernia repair. The Office also received numerous diagnostic tests from August 18, 1996 to December 8, 2005.

In a February 28, 2006 response, Mr. Dunlap noted that appellant's duties included two hours of office work and six hours of delivering mail on the street. He explained that carriers pulled and strapped their own mail, and were able to control how much direct weight they placed on each bundle they prepared. Mr. Dunlap explained that they had access to two wheeled dollies when carrying or delivering a heavy parcel. He included a copy of the position description.

By decision dated April 3, 2006, the Office denied appellant's claim on the grounds that there was insufficient medical evidence. The Office noted that there was no medical opinion which explained how the activities of appellant's federal employment caused or aggravated his hernia condition.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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.² 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.³

¹ 5 U.S.C. §§ 8101-8193.

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

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

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 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

The record establishes that appellant is a letter carrier, whose duties require him to case mail for two or more hours, and deliver mail for an average of six hours. It is not disputed that these duties include lifting heavy parcels, sorting, strapping, pulling mail, and delivering and picking up heavy parcels in the performance of his duties. The issue, therefore, is whether the medical evidence establishes that these employment activities caused or contributed to his hernia conditions and need for surgery.

Appellant did not submit any medical records which establish that his hernia condition was caused or aggravated by factors of his employment. While appellant submitted operative reports from Dr. Kaminski, who performed repairs of his bilateral inguinal hernias, the physician did not provide any explanation regarding the cause of appellant's condition. While the operative reports indicate that appellant had bilateral inguinal hernias, these reports are insufficient to establish causal relationship. The Board has held that reports unsupported by rationale, are of little probative or evidentiary value.⁵ The record contains no rationalized medical opinion explaining how the implicated employment factors caused appellant's inguinal hernias.

Appellant also submitted several diagnostic reports. However, these reports do not provide any opinion on causal relationship. Therefore, they have no probative value in establishing causal relationship.⁶

⁴ *Id.*

⁵ A medical opinion not fortified by medical rationale is of little probative value. *Caroline Thomas*, 51 ECAB 451 (2000).

⁶ See *Michael E. Smith*, 50 ECAB 313 (1999).

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.⁷ 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.⁸ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

There is no probative, rationalized medical evidence explaining how appellant's bilateral inguinal hernias were caused or aggravated by factors of his employment. He 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 April 3, 2006 is affirmed.

Issued: September 14, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

⁷ See *Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁸ *Id.*