

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

W.E., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Easton, PA, Employer**

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**Docket No. 06-1303
Issued: September 20, 2006**

Appearances:
W.E., *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 22, 2006 appellant filed a timely appeal from the August 22, 2005 and March 7, 2006 merit decisions 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 claim.

ISSUE

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

FACTUAL HISTORY

On February 1, 2005 appellant, then a 40-year-old letter carrier, filed a claim alleging that he sustained a possible pinched nerve in the performance of duty that day: "While walking delivery, I developed a soreness in the left side of my neck; [?] experienced loss of circulation in left arm and hand." That same day he saw Dr. George S. Manja, an internist, who wrote: "[Appellant] seen in our office with acute neck pain and advised to be off work until February 7, 2005 with total disability." A magnetic resonance imaging scan obtained on February 4, 2005 showed mild C5-6 central canal stenosis with left C4-5 and bilateral C5-6 neural foraminal

stenosis. On February 7, 2005 Dr. Celeste M. Saunders, a specialist in emergency medicine, diagnosed acute cervical strain with C6 radiculopathy.

On February 11, 2005 the Office asked appellant to submit additional evidence to support his claim for compensation, including a detailed narrative report from his physician providing a firm diagnosis of any condition resulting from the incident and an explanation of why the condition diagnosed was caused or aggravated by the incident. The Office emphasized: “This evidence is crucial in consideration of your claim. You may wish to discuss the contents of this item with your physician.”

On February 8, 2005 Dr. Saunders reported that appellant would never be able to carry a mailbag with the strap across his neck: “This would only exacerbate this.”

In a decision dated August 22, 2005, the Office denied appellant’s claim for benefits. The Office found that the medical evidence did not establish that the claimed medical condition resulted from the accepted event “because you needed to submit a detailed narrative medical report that contained the physician’s opinion with medical reasons on the cause of your condition.” Appellant requested an oral hearing before an Office hearing representative.

Following a hearing held on December 21, 2005, appellant advised that he spoke with his doctor’s case manager to seek the information needed in his case: “[She] informed me that it is against their policy, and against the law, to change medical reports. I was verbally told by Dr. Saunders that she strongly believes my injury was caused by the way I was carrying my mailbag. Knowing that she works directly with Workers’ Compensation, it’s far beyond me why she would fail to include such vital information in her medical report.” (Emphasis deleted.)

In a decision dated March 7, 2006, the Office hearing representative affirmed the denial of appellant’s claim. She found that appellant failed to submit rationalized medical evidence to support that he sustained an injury on February 1, 2005, as alleged.

LEGAL PRECEDENT

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

Causal relationship is a medical issue³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician’s rationalized opinion on whether

¹ 5 U.S.C. §§ 8101-8193.

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); see also 5 U.S.C. § 8101(5) (“injury” defined).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

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,⁴ must be one of reasonable medical certainty⁵ 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.⁶

ANALYSIS

There is no dispute that appellant was delivering mail in the course of his employment on February 1, 2005. The Office's August 22, 2005 decision accepted that this employment activity took place. The Board therefore finds that appellant has established that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. The question that remains is whether this established employment activity caused an injury.

The medical evidence in this case shows that appellant has a mild C5-6 central canal stenosis with left C4-5 and bilateral C5-6 neural foraminal stenosis. His attending physician, Dr. Saunders, diagnosed acute cervical strain with C6 radiculopathy, but she offered no opinion on how appellant's employment activity on February 1, 2005 caused or aggravated this condition. The Office notified appellant on February 11, 2005 that it was crucial for his doctor to provide an explanation of how the diagnosed condition was caused or aggravated by the employment incident. Appellant has stated that Dr. Saunders told him that she strongly believes his injury was caused by the way he was carrying his mailbag, but the fact remains that no such medical opinion appears in the record. Without a well-reasoned medical explanation of how appellant's employment activity on February 1, 2005 caused or aggravated his diagnosed neck condition, the evidence in this case fails to establish the essential element of causal relationship. The Board therefore finds that appellant has not met his burden of proof.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish that he sustained an injury in the performance of duty on February 1, 2005. There is no dispute that he was delivering mail in the course of his employment that day, but no doctor has offered a well-reasoned opinion on how this specific employment activity caused or aggravated his diagnosed neck condition.

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

ORDER

IT IS HEREBY ORDERED THAT the March 7, 2006 and August 22, 2005 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: September 20, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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