



physician. The Office emphasized that her physician must indicate whether and explain why the condition diagnosed was believed to have been caused or aggravated by work: “This evidence is crucial to your claim. You may wish to discuss the contents of this item with your physician.”

On November 17, 2006 Dr. Brian D. Crispell, appellant’s podiatrist, diagnosed left foot sprain and left tenosynovitis. Radiology studies were negative. On December 1, 2006 Dr. Crispell reported that appellant’s current diagnosis was a sprain of the left foot and ankle. Appellant had related that she was performing her normal work duties when she injured her left foot while pushing a cart. Dr. Crispell stated the following in his December 1, 2006 treatment note: “Patient injured foot at work during activities of pushing object(s) at work.”

In a decision dated January 4, 2007, the Office denied appellant’s claim on the grounds that the medical evidence did not establish that the claimed medical condition resulted from the accepted or established work-related events: “The information did not include a reasoned medical opinion from the attending physician regarding the relationship between the conditions that have been diagnosed and the incident that occurred on [November 9, 2006].”

### **LEGAL PRECEDENT**

The Federal Employees’ Compensation Act provides compensation for disability or death of an employee resulting from personal injury sustained while in the performance of duty.<sup>1</sup> An employee seeking benefits under the Act has the burden of proof to establish the essential elements of her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She 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 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>

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<sup>1</sup> 5 U.S.C. § 8102(a).

<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).

<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).

### ANALYSIS

The Office accepts that the November 9, 2006 work incident occurred as alleged. Appellant has established an event or incident occurring at the time, place and in the manner alleged. The question is whether pulling carts back on the tracks on November 9, 2006 caused an injury.

The Board finds that the medical evidence of record is insufficient to establish her claims. The Office asked her to submit a detailed narrative report from her physician indicating whether and explaining why the diagnosed condition diagnosed was believed to have been caused or aggravated by work. Appellant submitted treatment notes and other medical records, but she did not submit a narrative report from Dr. Crispell, her podiatrist, addressing how pulling carts back on the tracks on November 9, 2006 caused or contributed to the diagnosed sprain and tenosynovitis. As the Office informed appellant, this explanation is crucial to her claim. Appellant has not met her burden of proof to establish the essential element of causal relationship. The Board will, therefore, affirm the denial of her claim for compensation benefits.<sup>7</sup>

### CONCLUSION

The Board finds that appellant has not met her burden to establish that she sustained an injury in the performance of duty on November 9, 2006. The medical evidence fails to explain how pulling carts back on the tracks caused or aggravated her diagnosed conditions.

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<sup>7</sup> The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). The Board has no jurisdiction, therefore, to review Dr. Crispell's January 17, 2007 narrative report, which appellant submitted on appeal. Appellant may submit this evidence to the Office with a written request for reconsideration of her claim. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.602.3.b(1) (June 2002).

**ORDER**

**IT IS HEREBY ORDERED THAT** the January 4, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 26, 2007  
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