

pounds daily, caused her condition. Included with the claim were three documents: a doctor's appointment receipt; surgery instructions for appellant's May 9, 2006 surgery; and a note from Dr. Paul W. Marshburn, Board-certified in obstetrics and gynecology, which stated that "[appellant] will be having surgery for pelvic prolapse which may be exacerbated by the lifting she does at work. Please take this into consideration."

By letter dated April 28, 2006, appellant's employer challenged her claim for occupational disease. The employer challenged the date that appellant became aware of the condition and disputed the characterization of the type of lifting she performed as heavy work. The employing establishment indicated that on average mail trays weighed 20 to 25 pounds and on average tubs weighed 30 to 40 pounds.

The Office received additional documentation including doctor's appointment receipts and an offer of modified assignment which was accepted by appellant on April 27, 2006.

In a letter dated May 2, 2006, the Office informed appellant that further factual information was needed as well as a comprehensive medical report from a physician. In an undated and unidentified letter, appellant's supervisor disputed the description of work duties that appellant provided.

By decision dated June 6, 2006, the Office found that the medical evidence did not demonstrate that the claimed medical condition was related to appellant's employment.

In a letter dated June 13, 2006, appellant requested review of the written record. Accompanying the request was a letter dated June 5, 2006 from Dr. Marshburn which stated that appellant had undergone surgery on May 9, 2006 for uterovaginal prolapse. In discussing the cause of the condition, Dr. Marshburn related: "[w]hile we know that vaginal childbirth is clearly related to cases of prolapse, we also know that chronic heavy lifting can exacerbate and even cause prolapse in some cases, although it is impossible to predict how much heavy lifting will result in the failure of [appellant's] surgery."

By decision dated September 12, 2006, an Office hearing representative found that the medical evidence failed to establish that factors of appellant's employment caused or contributed to her medical 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

¹ 5 U.S.C. §§ 8101-8193.

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

elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

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 the factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the 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 factors identified by the claimant.⁴

While the opinion of a physician supporting causal relationship need not be one of absolute medical certainty the opinion must not be speculative or equivocal. The opinion should be expressed in terms of a reasonable degree of medical certainty.⁵

ANALYSIS

Appellant alleged that her condition of pelvic prolapse was causally related to factors of her federal employment which included lifting trays and tubs of mail and carrying mail on a city route. She submitted medical evidence from Dr. Marshburn which diagnosed pelvic prolapse. While some factors alleged by appellant are disputed by the employer, the evidence does establish that at minimum appellant was required to lift trays of mail weighing on average 25 to 30 pounds and lift tubs of mail weighing on average 30 to 40 pounds. This case turns on whether the medical evidence submitted establishes that appellant's pelvic prolapse is causally related to the identified factors.

The medical evidence submitted consists of a note from Dr. Marshburn dated April 26, 2006 and a letter from Dr. Marshburn dated June 5, 2006. The April 26, 2006 note states, "[Appellant] will be having surgery for pelvic prolapse which may be exacerbated by the lifting she does at work. Please take this into consideration." This opinion is speculative at best. This opinion does not indicate that Dr. Marshburn was aware of the amount of lifting appellant performed at work and offers no medical explanation as to how the lifting would have "exacerbated" the condition.

The June 5, 2006 letter states, "[w]hile we know that vaginal childbirth is clearly related to cases of prolapse, we also know that chronic heavy lifting can exacerbate and even cause prolapse in some cases...." Dr. Marshburn fails to provide a definitive opinion that the lifting appellant performed caused her prolapse. He does not offer a reason, either generally or specifically, as to how the lifting appellant performed at work is related to the prolapse. Medical reports not containing rationale on causal relation are of little probative value and generally

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

⁴ *Elizabeth H. Kramm (Leonard O. Kramm)*, 57 ECAB ____ (Docket No. 05-715, issued October 6, 2005).

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

insufficient to meet an employee's burden of proof.⁶ Causal relationship is a medical issue to be established through submission of probative medical evidence.⁷

To establish causal relationship, appellant must submit a physician's report in which the physician reviews the employment factors identified by appellant as causing her condition and, taking these factors into consideration as well as findings upon examination, state whether the employment injury caused or aggravated the diagnosed conditions and present medical rationale in support of his or her opinion.⁸ No such report has been submitted.

CONCLUSION

The Board finds that appellant has not established that she developed a condition related to factors of her federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated September 12 and June 6, 2006 are affirmed.

Issued: March 5, 2007
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

⁶ *Lois E. Culver (Clair L. Culver)*, 53 ECAB 412 (2002).

⁷ *Richael O' Brien*, 53 ECAB 234 (2001).

⁸ *Calvin E. King*, 51 ECAB 394 (2000).