

In a statement dated March 6, 2007, appellant indicated that her right hand became numb in late June or early July 2006, and that, by mid-July, the numbness had progressed to her side and toes. She stated that her job duties included moving and unloading heavy equipment, as well as separating letters for three hours per day. Appellant was also required to unload flats from a piece of equipment called “a pigpen,” which was very stressful on her neck and back.

The employing establishment challenged appellant’s claim, contending that she did not sustain an injury in the performance of duty. The establishment noted that appellant did not seek medical treatment for her condition until after she helped her daughter relocate to California. Appellant submitted disability slips dated August 7, 14 and 21, 2006, bearing illegible signatures. An August 16, 2006 report of a nerve conduction study, signed by Dr. Kalpana Ravikumar, a Board-certified physiatrist, reflected an impression of mild, bilateral carpal tunnel syndrome. An October 4, 2006 report of a magnetic resonance imaging (MRI) scan of the cervical spine revealed multilevel degenerative changes.

In a letter dated March 27, 2007, the Office informed appellant that the evidence submitted was insufficient to establish her claim. It advised her to submit details regarding the employment duties she believed caused or contributed to her claimed condition, as well as a comprehensive medical report from a treating physician, which contained symptoms, a diagnosis, and an opinion with an explanation as to the cause of her diagnosed condition.

In an undated statement, appellant described her job duties. She indicated that she had been on light duty for 12 weeks in 2005, due to a work-related shoulder injury. In July 2006, appellant’s condition worsened to the degree that she was forced to undergo surgery for disc removal and fusion.

Appellant submitted an undated office note from Dr. Manprit Dhillon, a treating physician, reflecting that he had performed surgery for appellant’s cervical myelopathy in her right herniated disc. He stated, “Her condition could have been attributed to pushing heavy equipment, or bending into equipment, or repetitive motion in her work. This condition is not associated with multiple sclerosis.”

By decision dated June 11, 2007, the Office denied appellant’s claim on the grounds that the medical evidence was insufficient to establish that the claimed medical conditions were causally related to the established work-related events.

On May 7, 2007 appellant requested an oral hearing. At the November 27, 2007 hearing, she reiterated her claim that her employment duties caused her neck, arm and back conditions. Appellant stated that she had not performed any tasks associated with her daughter’s relocation to California which would have caused or exacerbated her condition. The hearing representative informed appellant that Dr. Dhillon’s report was insufficient to establish her claim, and advised her to obtain a report which contained an opinion explaining how her diagnosed conditions were causally related to her work duties. He told appellant that he would keep the record open for 30 days in order for her to submit additional information.

In a brief hand-written report dated December 14, 2007, Dr. Dhillon stated that he had been seeing appellant since October, 2006, when she presented with a right upper extremity

radiculopathy. His “work-up” revealed a right C5-6 herniated disc, for which she underwent surgery in April, 2007. Dr. Dhillon stated, “Her cervical spondylosis/herniated dis[c] may have been caused by and/or exacerbated by her work.”

Appellant submitted an unsigned two-page typed statement dated November 29, 2007. The statement did not contain a letterhead, or other information which would identify the author. After discussing the conditions of appellant’s employment in great detail, the author opined that her work duties caused her cervical disc condition.¹

In a statement dated December, 2007, appellant noted that, although her job title was “distribution clerk,” she also performed the duties of a mail handler, which involved unloading and separating mail. She also cased mail for the post office box section, and distributed mail to its customers.

By decision dated January 8, 2008, an Office hearing representative denied modification of the Office’s June 11, 2007 decision, on the grounds that appellant had failed to provide any rationalized medical evidence explaining how and why her federal employment duties could have caused her claimed conditions.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees’ Compensation Act² has the burden of establishing the essential elements of her claim, including the fact that an injury was sustained in the performance of duty as alleged,³ and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.⁴

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 employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that

¹ The unidentified author stated that appellant’s job duties included “[w]orking up to over 50 hours a week sometimes in an office allocated for four workers which at one point in time left with only two workers to continue duties due to a coworker on sick leave and a coworker on vacation at the same time.” The author indicated that “[t]hese demanding tasks brought medical attention and medical treatment and surgery for cervical myelopathy in her right C5-6 herniated disc. This medical condition has been caused by her job at the [employing establishment]. [Appellant’s] repetitive motion in her work separating letters, bending into and pushing inadequate equipment has caused this medical condition.”

² 5 U.S.C. §§ 8101-8193.

³ *Joseph W. Kripp*, 55 ECAB 121 (2003); *see also Leon Thomas*, 52 ECAB 202, 203 (2001). “When an employee claims that he sustained 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 manner alleged. He must also establish that such event, incident or exposure caused an injury.” *See also* 5 U.S.C. § 8101(5) (“injury” defined); 20 C.F.R. § 10.5(q) and (ee) (2002) (“Occupational disease or Illness” and “Traumatic injury” defined).

⁴ *Dennis M. Mascarenas*, 49 ECAB 215, 217 (1997)

the diagnosed condition is causally related to the employment factors identified by the claimant.⁵ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence, *i.e.*, medical evidence presenting a physician's well-reasoned opinion on how the established factor of employment caused or contributed to claimant's diagnosed condition. To be of probative value, 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.⁶

An award of compensation may not be based on appellant's belief of causal relationship. Neither the mere fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents, is sufficient to establish a causal relationship.⁷

ANALYSIS

The Office accepted that appellant performed the work duties of a distribution clerk as alleged. However, the medical evidence submitted is insufficient to establish that her diagnosed medical condition was caused or aggravated by the established work-related events. Medical evidence of record consisted of disability slips, bearing illegible signatures; a nerve conduction study reflecting an impression of mild, bilateral carpal tunnel syndrome; a report of an MRI scan of the cervical spine; reports from Dr. Dhillon; and an unauthenticated statement dated November 29, 2007. None of the above-referenced reports contains a rationalized opinion explaining the relationship between appellant's claimed condition and her work activities.

In an undated note, Dr. Dhillon indicated that he had performed surgery for appellant's cervical myelopathy in her right herniated disc, and stated that "her condition could have been attributed to pushing heavy equipment, or bending into equipment, or repetitive motion in her work." On December 14, 2007 he stated that appellant's cervical spondylosis/herniated disc may have been caused by and/or exacerbated by her work. Dr. Dhillon reports lack probative value on several counts. Neither report contains a definitive opinion that appellant's condition was caused by her employment duties. Rather, Dr. Dhillon's opinion is speculative, and is unsupported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific job duties identified by appellant. Medical conclusions unsupported by rationale are of limited probative value.⁸ Additionally, Dr. Dhillon did not provide findings on examination, or indicate that his opinion was based on a review of a complete factual and medical background of appellant. For all of these reasons, his reports are of diminished probative value.

⁵ *Michael R. Shaffer*, 55 ECAB 386 (2004). *See also Solomon Polen*, 51 ECAB 341, 343 (2000).

⁶ *Leslie C. Moore*, 52 ECAB 132, 134 (2000); *see also Ern Reynolds*, 45 ECAB 690, 695 (1994).

⁷ *Phillip L. Barnes*, 55 ECAB 426 (2004); *see also Dennis M. Mascarenas*, *supra* note 4 at 218.

⁸ *Willa M. Frazier*, 55 ECAB 379.

Reports of MRI scans and nerve conduction studies, which do not contain an opinion as to the cause of appellant's condition, are of limited probative value and are insufficient to establish her claim.⁹ Appellant also submitted disability slips and reports bearing illegible signatures. These reports do not constitute probative medical evidence, in that they lack proper identification.¹⁰

Appellant also submitted an unsigned two-page typed statement dated November 29, 2007. The statement did not contain a letterhead, or other information which would identify the author. After discussing the conditions of appellant's employment in great detail, the author opined that her work duties caused her cervical disc condition. As this statement, purportedly prepared by a physician, is unsigned, it does not constitute competent medical evidence,¹¹ and is therefore insufficient to establish appellant's claim.

Appellant expressed her belief that her alleged condition resulted from her duties as a distribution clerk. However, 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.¹² 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.¹³ Causal relationship must be substantiated by reasoned medical opinion evidence, which it is appellant's responsibility to submit. Therefore, appellant's belief that her condition was caused by the alleged work-related injury is not determinative.

The Office advised appellant that it was her responsibility to provide a comprehensive medical report which described her symptoms, test results, diagnosis, treatment and the doctor's opinion, with medical reasons, on the cause of her condition. Appellant failed to do so. As there is no probative, rationalized medical evidence addressing how appellant's claimed conditions were caused or aggravated by her employment, she has not met her burden of proof in establishing that she sustained an occupational disease in the performance of duty causally related to factors of employment.

CONCLUSION

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty.

⁹ *Michael E. Smith*, 50 ECAB 313 (1999).

¹⁰ *See Merton J. Sills*, 39 ECAB 572, 575 (1988).

¹¹ *See Vickey C. Randall*, 51 ECAB 357 (2000).

¹² *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

¹³ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated January 8, 2008 and June 11, 2007 are affirmed.

Issued: August 18, 2008
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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