

supervisor, Diane Barber, on November 7, 2007 that she sustained an injury while working on the AFSM 100 machine.

In a November 21, 2007 statement, Ms. Barber indicated that appellant notified her on November 7, 2007 that she would not be reporting to work. Appellant informed her supervisor that she believed she injured herself while working on the AFSM 100 on November 5, 2007.

Appellant submitted a November 8, 2007 Georgetown Memorial Hospital emergency room report from Dr. Scott Coradi, a Board-certified osteopath, specializing in emergency medicine. Dr. Coradi indicated that appellant's problem was nonspecific and difficult to diagnose, but that she most likely had "hand pain." In an accompanying work excuse, he stated that appellant could return to light duty on November 15, 2007, so long as she was restricted from lifting.

In a letter dated December 4, 2007, the Office informed appellant that the evidence submitted was insufficient to establish her claim. It advised appellant 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.

On December 4, 2007 the employing establishment controverted appellant's claim, contending that the medical evidence failed to establish that her alleged condition was job related.

In a January 4, 2008 statement, appellant related that she had worked eight hours per day, five days per week, since October 2006 in her position as a mail processing clerk/AFSM 100 operator. Her duties as a feeder included lifting magazines from mail containers into consoles. As a sweeper, appellant removed full mail trays and engaged in significant repetitive activities. She stated that she experienced minor aches and pains in her hands and shoulders, due to lifting and pulling full mail trays. On the morning of November 5, 2007, appellant alleged that she felt pain in her right hand that felt unfamiliar, and when the pain became unbearable, she went to an emergency room.

Appellant submitted a January 4, 2008 note from Dr. Michael N. Bohan, a Board-certified orthopedic surgeon, entitled "duty restrictions." Dr. Bohan diagnosed "hand sprain" and recommended the use of a brace. Restrictions included "no lifting, pushing or pulling more than five pounds with the right arm for one month."

By decision dated February 13, 2008, the Office denied appellant's claim on the grounds that the medical evidence of record did not demonstrate that the claimed medical condition was causally related to the established work-related events.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of her claim, including the fact that an injury was

¹ 5 U.S.C. §§ 8101-8193.

sustained in the performance of duty as alleged,² and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.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 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 diagnosed condition is causally related to the employment factors identified by the claimant.⁴ 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.⁵

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.⁶

ANALYSIS

The Office accepted that the work-related events occurred as alleged, namely that appellant performed repetitive tasks on the AFSM in her capacity as a mail processing clerk. However, appellant's claim was denied on the grounds that the medical evidence failed to establish that the claimed medical condition was related to the established work-related events. The Board finds that medical evidence submitted by appellant is insufficient to establish that her diagnosed medical condition was caused or aggravated by factors of her federal employment. Therefore, appellant has failed to meet her burden of proof.

Medical evidence of record includes a November 8, 2007 Georgetown Memorial Hospital emergency room report from Dr. Coradi, who stated that appellant most likely had "hand pain."

² *Joseph W. Kripp*, 55 ECAB 121 (2003); *see also Leon Thomas*, 52 ECAB 202, 203 (2001). "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." *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).

³ *Dennis M. Mascarenas*, 49 ECAB 215, 217 (1997).

⁴ *Michael R. Shaffer*, 55 ECAB 386 (2004). *See also Solomon Polen*, 51 ECAB 341, 343 (2000).

⁵ *Leslie C. Moore*, 52 ECAB 132, 134 (2000); *see also Ern Reynolds*, 45 ECAB 690, 695 (1994).

⁶ *Phillip L. Barnes*, 55 ECAB 426 (2004); *see also Dennis M. Mascarenas*, *supra* note 3 at 218.

Dr. Coradi's report does not contain a definitive diagnosis⁷ or an opinion as to the cause of appellant's condition. The Board has long held that medical evidence which does not offer an opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.⁸ The remaining medical evidence, which consists of Dr. Coradi's November 8, 2007 work excuse and Dr. Bohan's January 4, 2008 work restrictions, is also insufficient to establish appellant's claim. As neither report contains a history of injury, findings on examination, or an opinion as to the cause of appellant's right hand condition, they are of diminished probative value. The record does not contain an opinion by any qualified physician supporting appellant's contention that her right hand condition was causally related to the accepted employment activities. While appellant has submitted notes and other medical documents which track her treatment, she has not provided a narrative report containing a physician's rationalized opinion on whether there is a causal relationship between her condition and the established work activities.

Appellant expressed her belief that her alleged condition resulted from her duties as a mail processing 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.⁹ 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.¹⁰ Causal relationship must be substantiated by reasoned medical opinion evidence, for which appellant is responsible. 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 condition was 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.

⁷ The Board has held that a diagnosis of pain does not constitute a basis of payment for compensation, as pain is considered to be a symptom rather than a specific diagnosis. *Robert Broome*, 55 ECAB 339 (2004).

⁸ *Michael E. Smith*, 50 ECAB 313 (1999).

⁹ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

¹⁰ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the February 13, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 2, 2008
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board