

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

C.H., Appellant)

and)

U.S. POSTAL SERVICE, POST OFFICE,)
Colorado Springs, CO, Employer)

**Docket No. 07-2075
Issued: February 14, 2008**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On August 6, 2007 appellant filed a timely appeal from an Office of Workers' Compensation Programs' merit decision dated July 17, 2007, which denied appellant's claim for an occupational disease. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.

ISSUE

The issue is whether appellant has met his burden of proof in establishing that he developed a left wrist and hand condition while in the performance of duty.

FACTUAL HISTORY

On April 17, 2007 appellant, then a 61-year-old rural carrier, filed an occupational disease claim alleging that he developed left wrist and hand pain while in the performance of duty. He became aware of his condition in August 2005. Appellant did not stop work.

In support of his claim appellant submitted a statement and indicated that he experienced left wrist and hand pain when grasping bundles and trays of mail. In statements dated April 4

and 16, 2007, appellant noted that, on March 18, 2007, he grasped a strap on his shirt sleeve and experienced sharp pain in his left hand. He noted that the hand pain was similar to the pain he experienced at work while grasping and delivering mail. Appellant came under the treatment of Dr. John Ogrodnick, a Board-certified family practitioner, who treated him from March 23 to April 11, 2007 for left hand pain. In reports dated March 23 to April 11, 2007, Dr. Ogrodnick diagnosed left hand sprain and strain and noted with a check mark that appellant's condition was work related. He opined that appellant reached maximum medical improvement on April 11, 2007 and did not sustain permanent impairment. Dr. Ogrodnick discharged appellant from his care. In duty status reports dated March 23 and 30, 2007, he diagnosed left hand sprain and advised that appellant could return to work with restrictions of no use of the left hand. In a duty status report dated April 11, 2007, Dr. Ogrodnick returned appellant to work without restrictions.

In a letter dated April 19, 2007, the Office advised appellant of the type of factual and medical evidence needed to establish his claim, particularly requesting that he submit a physician's reasoned opinion addressing the relationship of his claimed condition and specific employment factors.

Appellant submitted a report from Dr. Ogrodnick dated April 11, 2007, who noted that appellant's left hand was fully functioning and markedly improved since his last visit. Dr. Ogrodnick noted that appellant was tolerating his full work duties. He noted fullness in the palmar aspect of the left third metacarpal region which was nontender and advised that appellant demonstrated excellent finger flexion and extension. Dr. Ogrodnick diagnosed left hand strain resolved and noted that appellant had reached maximum medical improvement and could return to work without limitations.

In a decision dated July 17, 2007, the Office denied appellant's claim on the grounds that the medical evidence was not sufficient to establish that his condition was caused by the employment duties as required by the Federal Employees' Compensation Act.¹

LEGAL PRECEDENT

An employee seeking benefits under the Act 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 the 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. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.²

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) factual

¹ 5 U.S.C. §§ 8101-8193.

² *Gary J. Watling*, 52 ECAB 357 (2001).

statement identifying 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 employment 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 employment factors identified by claimant. The medical evidence required to establish causal relationship is generally rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. 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.³

ANALYSIS

It is not disputed that appellant's duties as a rural carrier included repeatedly grasping bundles of mail and casing mail while performing his duties as a rural carrier. It is also not disputed that he has been diagnosed with left hand strain. However, appellant has not submitted sufficient medical evidence to support the left hand strain is causally related to specific employment factors or conditions. On April 19, 2007 the Office advised appellant of the type of medical evidence needed to establish his claim. Appellant did not submit a rationalized medical report from an attending physician addressing how specific employment factors may have caused or aggravated his claimed condition.

Appellant submitted treatment notes from Dr. Ogrodnick dated March 23 to April 11, 2007, who treated him for left hand pain. Dr. Ogrodnick diagnosed left hand sprain and strain and noted with a check mark that appellant's condition was work related. The Board has held that an opinion on causal relationship which consists only of a physician checking "yes" to a medical form report question on whether the claimant's condition was related to the history given is of little probative value. Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.⁴

In another report dated April 11, 2007, Dr. Ogrodnick noted that appellant's left hand was fully functioning and markedly improved since his last visit. He noted an essentially normal physical examination and diagnosed left hand strain resolved. Dr. Ogrodnick opined that appellant had reached maximum medical improvement and could return to work without

³ *Solomon Polen*, 51 ECAB 341 (2000).

⁴ *Lucrecia M. Nielson*, 41 ECAB 583, 594 (1991).

limitations. His report is insufficient to establish the claim as he did not provide a history of injury or specifically address whether appellant's employment activities had caused or aggravated a diagnosed medical condition.⁵

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.⁶ Causal relationships must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence and the Office therefore properly denied his claim for compensation.

CONCLUSION

The Board finds that appellant has not met his burden of proof in establishing that he developed an employment-related injury in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the July 17, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 14, 2008
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

⁵ A.D., 58 ECAB ____ (Docket No. 06-1183, issued November 14, 2006) (medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

⁶ See *Dennis M. Mascarenas*, 49 ECAB 215 (1997).