

knee after sustaining a fall. Her shoe caught on carpet while walking at a conference that she was attending for work. Appellant stopped work on April 3, 2008 and did not return to work.

With the claim the employing establishment submitted statements from coworkers who saw the fall. In an April 3, 2008 treatment note, Dr. Daniel Lahr, a Board-certified orthopedic surgeon, diagnosed left shoulder contusion, left knee contusion and left foot medial cuneiform. He noted under “special instructions” that appellant fell on carpet the previous day. Dr. Lahr issued a certificate of total disability advising that appellant could not work from April 3 to 13, 2008.

On July 18, 2008 the Office advised appellant of the factual and medical evidence needed to establish her claim and allowed her 30 days to submit such evidence. It requested that she submit a physician’s report from any medical treatment sought for the claimed injury.

In response, appellant submitted a May 16, 2008 disability certificate in which Dr. Lahr advised that appellant could not work from April 14 to June 1, 2008. Dr. Lahr diagnosed left medial cuneiform fracture, left foot. In a June 20, 2008 progress note, he noted that appellant had a follow-up visit for her left mid-foot arthritis, and that she had continued pain and discomfort. Dr. Lahr noted that he previously discussed surgery for this condition but that appellant did not want surgery. He stated that appellant had an “exacerbation of her problem on April 2, 2008 when she sustained a work-related injury.” Dr. Lahr noted moderate tenderness on examination with no instability or malalignment and prescribed physical therapy.

In an August 20, 2008 decision, the Office denied appellant’s claim finding that the medical evidence did not establish that her claimed medical condition was related to the established work-related incident.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees’ Compensation 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 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. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.¹

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether the fact of injury has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.² Second, the employee must submit evidence, in the form of medical evidence, to establish that the

¹ *Elaine Pendleton*, 40 ECAB 1143 (1989).

² *S.P.*, 59 ECAB ___ (Docket No. 07-1584, issued November 15, 2007); *John Carlone*, 41 ECAB 354 (1989).

employment incident caused a personal injury.³ Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on whether there is a causal relationship between the employee's diagnosed condition and the compensable employment factors. The opinion of the physician must be based on a complete factual and medical background of the employee, 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 employee.⁴

ANALYSIS

The record supports that on April 2, 2008 appellant fell while walking at a conference that she was attending for work. However, appellant has not submitted sufficient medical evidence to establish that the April 2, 2008 employment incident caused or aggravated her claimed medical condition.

On April 3, 2008 Dr. Lahr diagnosed contusions of the left knee and shoulder and left foot medial cuneiform. He noted that appellant had fallen on carpet the previous day. However, Dr. Lahr did not specifically address whether her fall caused an injury or explain how the fall caused or aggravated the diagnosed conditions. Dr. Lahr's June 20, 2008 progress note stated that appellant had been previously diagnosed with left mid-foot arthritis, which was exacerbated on April 2, 2008 when she sustained a work-related injury. However, he refers to "work-related injury" broadly without explaining how or why the employment incident exacerbated her left foot arthritis. Dr. Lahr also did not explain the nature and extent of appellant's preexisting left mid-foot arthritis. The mere fact that work activities may produce symptoms revelatory of an underlying condition does not raise an inference of an employment relation. Such a relationship must be shown by rationalized medical evidence of causal relation based upon a specific and accurate history of employment conditions which are alleged to have caused or exacerbated a disabling condition.⁵ In light of the fact that appellant had a preexisting left foot condition, Dr. Lahr's failure to provide medical rationale explaining why the April 2, 2008 work incident caused or exacerbated her left mid-foot arthritis renders his opinion insufficient to meet her burden of proof. The other reports of Dr. Lahr do not specifically address how the April 2, 2008 employment incident caused or aggravated the diagnosed medical conditions.⁶

The Board notes that, on July 18, 2008, the Office advised appellant of the medical evidence needed to establish her claim. However, appellant has not submitted sufficient medical evidence explaining how the April 2, 2008 work incident caused or exacerbated a diagnosed

³ *John Carlone*, *supra* note 2.

⁴ *I.J.*, 59 ECAB ___ (Docket No. 07-2362, issued March 11, 2008); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ *Patricia Bolleter*, 40 ECAB 373 (1988).

⁶ *A.D.*, 58 ECAB ___ (Docket No. 06-1183, issued November 14, 2006).

medical condition. Consequently, she did not meet her burden of proof in establishing her claim.⁷

CONCLUSION

The Board finds that appellant has not met her burden of proof in establishing that she sustained a traumatic injury on April 2, 2008 causally related to her employment.

ORDER

IT IS HEREBY ORDERED THAT the Office of Workers' Compensation Programs' decision dated August 20, 2008 is affirmed.

Issued: February 19, 2009
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

⁷ Following issuance of the Office's August 20, 2008 decision, appellant submitted additional evidence. The Board is limited to reviewing evidence which was before the Office at the time of its final decision. The Board will therefore not review the new evidence on appeal. 20 C.F.R. § 501.2(c).