

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

I.C., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Lititz, PA, Employer**

)
)
)
)
)
)
)
)
)
)
)

**Docket No. 09-373
Issued: September 15, 2009**

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
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On November 17, 2008 appellant filed a timely appeal from a July 18, 2008 decision of the Office of Workers' Compensation Programs. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has established an injury causally related to factors of her federal employment.

FACTUAL HISTORY

On April 5, 2007 appellant filed an occupational disease claim (Form CA-2) indicating that she had injured her left ankle after she stepped in a pothole on October 19, 2006. She also

reported that she strained her lower back. The reverse of the claim form indicated that appellant had filed a traumatic injury claim for the October 19, 2006 injury.¹

By letter dated April 25, 2007, the Office requested additional information from appellant, including a statement describing the employment factors she believed caused an injury. On May 15, 2007 it received medical treatment notes regarding her back.

In a decision dated June 18, 2007, the Office denied the claim for compensation. It found that appellant had not submitted the factual and medical evidence necessary to establish her claim.

On September 19, 2007 appellant submitted medical evidence with respect to her treatment for the back and left leg.² She requested reconsideration of the claim on April 21, 2008.

By decision dated July 18, 2008, the Office reviewed the case on its merits and denied modification.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees' Compensation Act³ has the burden of establishing the essential elements of her claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.⁴

To establish that an injury was sustained in the performance of duty, a claimant must submit: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual 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 diagnosed condition is causally related to the employment factors identified by the claimant.⁵

Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁶ A physician's opinion on the issue of whether there is a

¹ OWCP File No. xxxxxx149. The record also indicates that appellant filed a traumatic injury claim for a back injury on September 1, 2005. OWCP File No. xxxxxx513.

² A December 19, 2006 MRI scan report of the left foot noted findings consistent with tenosynovitis and probable plantar fasciitis. The report did not address causal relationship.

³ 5 U.S.C. §§ 8101-8193.

⁴ 20 C.F.R. § 10.115(e), (f) (2005); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

⁵ *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

⁶ See *Robert G. Morris*, 48 ECAB 238 (1996).

causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁷ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors.⁸

ANALYSIS

On appeal, appellant addressed her traumatic injury claims and the filing of recurrence of disability claims.⁹ However, these claims are not presently before the Board on this appeal. With respect to the April 5, 2007 CA-2 form, appellant stated that she "did not prepare" the form and characterized it as "fraudulent." The record contains a CA-2 form signed by appellant and the Office developed the claim under file number xxxxxx527. The Office issued decisions under this claim and she filed an appeal. Although appellant questions this claim, the jurisdiction of the Board is to review final decisions of the Office.¹⁰ She can withdraw her claim in an appropriate manner with the Office. The issue on this appeal is whether appellant met her burden of proof to establish an occupational claim.¹¹

As noted, appellant must submit a factual statement identifying the employment factors contributing to her condition. She did not submit factual evidence with regard to employment factors she believed caused her ankle or back conditions. As to the October 19, 2006 incident, appellant previously filed a traumatic injury claim regarding this incident. She must submit medical evidence establishing causal relationship between a diagnosed condition and the identified employment factors. Appellant did not submit any probative medical evidence addressing the issue of causal relationship. The evidence submitted consists of medical excuse forms or evidence addressing her back condition rather than her left ankle. The Board accordingly finds appellant did not meet her burden of proof in this case.

CONCLUSION

The Board finds that appellant did not establish an injury causally related to factors of her federal employment.

⁷ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁸ *Id.*

⁹ Appellant also submitted documents to the Board. The review of the case is limited to evidence in the case record that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

¹⁰ 20 C.F.R. § 501.2(c).

¹¹ An occupational disease or illness is a condition produced by the work environment over a period longer than a single workday or shift. 20 C.F.R. § 10.5(q).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated July 18, 2008 is affirmed.

Issued: September 15, 2009
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

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