



became aware of his condition on February 22, 2010 and realized that it was causally related to his work duties on March 12, 2010. Appellant did not stop work.

On August 10, 2010 OWCP advised appellant of the factual and medical evidence needed to establish his claim.

In an August 31, 2010 statement, appellant noted that he was scheduled for a magnetic resonance imaging scan and would submit more documentation in a week.

In a June 15, 2010 report, Dr. James Boone, Jr., a Board-certified orthopedic surgeon, reported a history of pain in both elbows with swelling over the lateral epicondyle. He noted findings upon physical examination of tenderness with wrist extension, tenderness with palpation over the epicondyle and over the posterior interosseous branch of the radial nerve, normal thumb extensor strength, normal pinwheel/pinprick examination of the radial distribution and normal Finkelstein test. Dr. Boone diagnosed lateral epicondylitis and recommended conservative treatment. He stated: "I think it is from carrying the mail" and performing repetitive duties. Dr. Boone believed appellant could not carry mail anymore and recommended that he be retrained for a lighter, primarily sedentary job where he did not use the upper extremity.

On September 20, 2010 OWCP denied appellant's claim on the grounds that the medical evidence did not establish that the claimed elbow condition was related to the work-related activities.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. Appellant must also establish that such event, incident or exposure caused an injury.<sup>2</sup>

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 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

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<sup>2</sup> See *Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). See generally *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

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.<sup>3</sup>

### ANALYSIS

It is not disputed that appellant's job as a letter carrier involved performing repetitive duties with his arms and elbows, casing mail and carrying a mailbag. It is also not disputed that he was diagnosed with lateral epicondylitis. Appellant has not submitted sufficient medical evidence to support that his lateral epicondylitis is causally related to the accepted employment factors. On August 10, 2010 OWCP advised him of the 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.

On June 15, 2010 Dr. Boone diagnosed lateral epicondylitis. He noted findings of tenderness with wrist extension, over the epicondyle and over the posterior interosseous branch of the radial nerve. Dr. Boone opined that appellant's pain was from carrying mail and performing repetitive duties. He failed to provide a fully-rationalized opinion regarding the causal relationship between appellant's lateral epicondylitis and the factors of employment believed to have caused or contributed to such condition.<sup>4</sup> Dr. Boone did not address the process by which repetitive activities such as casing mail or carrying a mailbag would cause the diagnosed condition. His brief treatment note did not provide a full medical history or report the results of any diagnostic testing. Moreover, Dr. Boone's opinion on causal relationship appears speculative and not based on a reasonable degree of medical certainty. Appellant submitted no other medical evidence addressing how particular work duties caused or aggravated a diagnosed condition.

On appeal, appellant asserts his belief that his condition was caused by casing mail. This belief is not sufficient to establish causal relation. Appellant has not submitted adequate medical documentation from a physician that explains why casing mail caused or contributed to his diagnosed lateral epicondylitis.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

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<sup>3</sup> *Solomon Polen*, 51 ECAB 341 (2000).

<sup>4</sup> *Id.*

**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 September 20, 2010 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 10, 2011  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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