

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

E.R., Appellant

and

**U.S. POSTAL SERVICE, WESTSIDE STATION,
Greensboro, NC, Employer**

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**Docket No. 15-1815
Issued: December 24, 2015**

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

Case Submitted on the Record

DECISION AND ORDER

Before:

CHRISTOPHER J. GODFREY, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On September 1, 2015 appellant filed a timely appeal of June 22 and August 20, 2015 merit decisions of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 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 met his burden of proof to establish that his chronic plantar fasciitis was causally related to factors of his federal employment.

FACTUAL HISTORY

On April 28, 2015 appellant, then a 48-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that on August 7, 2006 he first became aware of his chronic plantar fasciitis which he attributed to the wear and tear on his foot due to going up and down

¹ 5 U.S.C. § 8101 *et seq.*

stairs, and prolonged standing.² On the back of the form, the employing establishment noted that he was “out of work pending a DRAC decision.”

In support of his claim, appellant submitted a February 3, 2015 note from Dr. Samuel T. Woods, a treating Board-certified internist, indicating that appellant was capable of working eight hours with restrictions. The restrictions included no climbing, no lifting more than 20 pounds, and no prolonged standing over three hours.

By letter dated May 6, 2015, OWCP informed appellant that the evidence of record was insufficient to support his claim. It noted that he had not provided any medical evidence containing a diagnosis and requested that he provide a medical report addressing the diagnosis, the implicated employment duties, and providing an opinion on the causal relationship between his duties and his diagnosed condition. Appellant was afforded 30 days to provide this information.

By decision dated June 22, 2015, OWCP denied the claim as it found the evidence insufficient to establish that an injury, as defined by FECA, had occurred.

Following the denial of the claim, OWCP received a June 23, 2015 report by Dr. Michael Wilson, a treating podiatrist, diagnosing chronic plantar fasciitis. Dr. Wilson opined that appellant’s preexisting military service-related right foot condition might possibly have been aggravated by the walking, prolonged standing, jumping out of mail trucks, and walking up and down stairs in his job. He reported that appellant had been treated with custom orthotics and steroid injections, but due to persistent right foot pain remained off work.

On June 30, 2015 appellant requested reconsideration and submitted a June 30, 2015 report from Dr. Wilson. In this report Dr. Wilson noted that he was clarifying his opinion regarding the cause of appellant’s foot pain. He opined that appellant’s foot pain had been aggravated by employment duties of prolonged standing, jumping up and down from a mail truck, and walking up and down stairs.

By decision dated August 20, 2015, OWCP denied modification of the prior decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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 FECA; that the claim was filed within the applicable time limitation; that an injury was sustained while 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

² On the form appellant noted the date 1998 as when he first became aware of the condition and its relationship to his employment.

³ *Supra* note 1.

employment injury.⁴ 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.⁵

To establish that an injury was sustained in the performance of duty in a claim for occupational disease, an employee must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.⁶

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence.⁷ 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.⁸ 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.⁹

ANALYSIS

Appellant alleged that he sustained chronic plantar fasciitis causally related to prolonged standing and walking up and down stairs while working as a letter carrier. OWCP accepted that he had identified employment factors alleged to have caused or contributed to his claimed condition. The issue is whether the medical evidence establishes that appellant sustained a diagnosed condition that was causally related to the established employment factors.

The Board finds that as appellant did not submit a rationalized medical opinion supporting that his chronic plantar fasciitis was causally related to the identified employment duties, he did not meet his burden of proof.

In support of the claim OWCP received reports from Dr. Wilson, a treating podiatrist, addressing appellant's plantar fasciitis. On June 23, 2015 Dr. Wilson diagnosed and treated appellant for plantar fasciitis of his right foot. He contended that walking, prolonged standing, jumping out of mail trucks, and walking up and down stairs might "possibly" have exacerbated

⁴ *C.S.*, Docket No. 08-1585 (issued March 3, 2009); *Bonnie A. Contreras*, 57 ECAB 364 (2006).

⁵ *S.P.*, 59 ECAB 184 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁶ *D.U.*, Docket No. 10-144 (issued July 27, 2010); *R.H.*, 59 ECAB 382 (2008); *Roy L. Humphrey*, 57 ECAB 238 (2005); *Donald W. Wenzel*, 56 ECAB 390 (2005).

⁷ *Y.J.*, Docket No. 08-1167 (issued October 7, 2008); *A.D.*, 58 ECAB 149 (2006); *D'Wayne Avila*, 57 ECAB 642 (2006).

⁸ *J.J.*, Docket No. 09-27 (issued February 10, 2009); *Michael S. Mina*, 57 ECAB 379 (2006).

⁹ *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

appellant's preexisting military service-related condition. The Board has held that medical opinions which are speculative or equivocal in character have little probative value.¹⁰ Dr. Wilson's June 30, 2015 report is also insufficient to meet appellant's burden as he opined that appellant's work duties aggravated his foot pain, but did not provide any medical opinion explaining his reasoning for this conclusion. As the Board has held, 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.¹¹

Dr. Wilson's reports are insufficient to meet appellant's burden of proof as he did not explain the medical process through which appellant's job duties would have been competent to cause or aggravate his claimed right foot plantar fasciitis. Medical conclusions unsupported by rationale are of little probative value.¹²

Appellant also submitted a February 3, 2015 disability note with work restrictions from Dr. Woods. However, it too is insufficient to support appellant's claim as it contained no diagnosis or opinion on causal relationship.¹³

Appellant expressed his belief that his plantar fasciitis had been caused or aggravated by prolonged standing and walking up and down stairs while working. 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.¹⁴ 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.¹⁵ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit. Therefore, appellant's belief that his plantar fasciitis had been caused or aggravated by identified work events is not determinative.

OWCP advised appellant that it was his responsibility to provide a comprehensive medical report which described his symptoms, test results, diagnosis, treatment, and the doctor's opinion, with medical reasons, on the cause of his condition. Appellant failed to provide such evidence. As there is no probative, rationalized medical evidence addressing how his claimed condition was caused or aggravated by his employment, he has not met his burden of proof to establish that his chronic plantar fasciitis is causally related to factors of his federal employment.

¹⁰ *T.M.*, Docket No. 08-975 (issued February 6, 2009); *D.E.*, 58 ECAB 448 (2007); *Kathy A. Kelley*, 55 ECAB 206 (2004).

¹¹ *C.B.*, Docket No. 09-2027 (issued May 12, 2010); *Robert Broom*, 55 ECAB 339 (2004).

¹² *Willa M. Frazier*, 55 ECAB 379 (2004).

¹³ *Jaja K. Asaramo*, 55 ECAB 200 (2004) (medical evidence that does not offer any opinion regarding the cause of an employee's condition is of diminished probative value on the issue of causal relationship).

¹⁴ *L.D.*, Docket No. 09-1503 (issued April 15, 2010); *D.I.*, 59 ECAB 158 (2007); *Daniel O. Vasquez*, 57 ECAB 559 (2006).

¹⁵ *Roy L. Humphrey*, 57 ECAB 238 (2005).

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.

CONCLUSION

The Board finds that appellant has failed to meet his burden of proof to establish that his chronic plantar fasciitis was causally related to factors of his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated August 20 and June 22, 2015 are affirmed.

Issued: December 24, 2015
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board