

FACTUAL HISTORY

This case has previously been before the Board.² In a November 7, 2014 decision, the Board affirmed a June 12, 2013 OWCP decision, finding that appellant did not meet her burden of proof to establish a bilateral elbow injury causally related to factors of her federal employment. The Board found that she had established that while working as a rural mail carrier her route included business stops and became an overburdened route with the addition of new apartment buildings. The Board further found that her work duties required standing, walking, heavy carrying, climbing, pushing, pulling, repeated bending, shoulder level reaching, use of both arms, and operating a motor vehicle. The Board found, however, that the clinic and progress notes of record from Dr. William A. Crotwell, III, appellant's attending Board-certified orthopedic surgeon, did not provide a rationalized medical opinion to support his opinion that appellant sustained employment-related bilateral conditions. The facts and circumstances surrounding the prior appeal are incorporated by reference. The relevant facts are set forth below.

On September 11, 2012 appellant, then a 59-year-old rural mail carrier, filed an occupational disease claim (Form CA-2) under OWCP File No. xxxxxx851 alleging that in June 2011 she first became aware of medial epicondylitis of the right and left elbows caused by her repetitive work duties.³

Following issuance of the Board's November 7, 2014 decision, appellant, through counsel, by letter dated October 22, 2015, requested reconsideration before OWCP. She submitted a September 29, 2015 progress note from Dr. Crotwell who reiterated his prior opinion that she had a work-related bilateral elbow condition. Dr. Crotwell also opined that appellant had an employment-related left shoulder condition. He diagnosed bilateral lateral epicondylitis post Boyd-McLeod procedure, chronic left medial epicondylitis, postoperative left shoulder labrum tear and debridement of the rotator cuff, postoperative left shoulder resection distal end of the clavicle for severe acromioclavicular joint arthritis, and postimpingement syndrome of the left shoulder. Dr. Crotwell advised that his diagnoses were supported by his examination findings and consistent with the repetitive work duties gathered from appellant and her December 30, 2002 employment-related left elbow injury.

Hospital reports from Dr. Jonathan C. Rainer, a Board-certified physiatrist, and South Baldwin Regional Medical Center dated February 13 and April 27 and 30, 2015 addressed appellant's back conditions and medical treatment.

In a November 4, 2015 decision, OWCP denied modification of its denial of appellant's claim for an occupational disease. It found that the medical evidence submitted was insufficient to establish that she sustained an injury caused or aggravated by the established employment factors.

² Docket No. 14-363 (issued November 7, 2014).

³ In a prior claim under OWCP File No. xxxxxx698, OWCP accepted that she sustained a left elbow contusion and lateral epicondylitis on December 30, 2002. In another prior claim under OWCP File No. xxxxxx391, it accepted that appellant sustained right lateral epicondylitis on October 6, 2004.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish 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 timely filed within the applicable time limitation period, that an injury was sustained in the performance of duty as alleged, and that any disabilities and/or specific conditions for which compensation is claimed are causally related to the employment injury.⁴ 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.⁵

Whether an employee actually sustained an injury in the performance of duty begins with an analysis of whether fact of injury has been established.⁶ To establish fact of injury in an occupational disease claim, 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.⁷

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence.⁸ Rationalized medical opinion evidence is generally required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, 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.⁹

ANALYSIS

The Board previously found that appellant had established that she was a federal employee and had implicated factors of employment, repetitive work duties, but had failed to establish that her diagnosed bilateral elbow conditions were causally related to the employment factors. Appellant requested reconsideration and OWCP denied modification of its prior decision.

⁴ *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁵ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁶ *S.P.*, 59 ECAB 184, 188 (2007).

⁷ *R.R.*, Docket No. 08-2010 (issued April 3, 2009); *Roy L. Humphrey*, 57 ECAB 238, 241 (2005).

⁸ *Y.J.*, Docket No. 08-1167 (issued October 7, 2008); *A.D.*, 58 ECAB 149 (2006); *D'Wayne Avila*, 57 ECAB 642 (2006).

⁹ *I.J.*, 59 ECAB 408 (2008); *supra* note 5.

The Board finds that appellant has failed to submit the necessary rationalized medical opinion evidence to establish that her diagnosed conditions were caused or aggravated by her repetitive work duties. Appellant submitted an additional progress note from Dr. Crotwell dated September 29, 2015. Dr. Crotwell again opined that she had a work-related bilateral elbow condition. He also opined that appellant had an employment-related left shoulder condition. Dr. Crotwell noted that her bilateral elbow and left shoulder diagnoses were supported by his examination findings and consistent with the repetitive work duties he gathered from her and the accepted December 30, 2002 employment-related injury. While he provided an opinion on causal relationship, he did not sufficiently explain how the diagnosed conditions were caused or aggravated by the established employment factors. Medical reports without adequate rationale on causal relationship are of diminished probative value and are insufficient to meet an employee's burden of proof.¹⁰ The opinion of a physician supporting causal relationship must be based on a complete factual and medical background with affirmative evidence. The opinion must address the specific factual and medical evidence of record and explain the relationship between the diagnosed condition and the established incident or factor of employment.¹¹ The Board finds that Dr. Crotwell's progress note is insufficient to establish appellant's claim.

The hospital reports from Dr. Rainer and South Baldwin Regional Medical Center addressed appellant's back conditions and medical treatment, but did not provide any medical opinion finding that the diagnosed back conditions were caused or aggravated by the accepted work factors. Medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value.¹²

On appeal, counsel contends that OWCP's November 4, 2015 decision is contrary to fact and law. Based on the findings and reasons stated above, the Board finds that counsel's arguments are not substantiated.

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 her burden of proof to establish a bilateral elbow injury causally related to factors of her federal employment.

¹⁰ *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

¹¹ *See Lee R. Haywood*, 48 ECAB 145 (1996).

¹² *See K.W.*, 59 ECAB 271 (2007); *A.D.*, 58 ECAB 149 (2006); *Jaja K. Asaramo*, 55 ECAB 200 (2004); *Michael E. Smith*, 50 ECAB 313 (1999).

ORDER

IT IS HEREBY ORDERED THAT the November 4, 2015 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 10, 2016
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