

and closing the door on her work vehicle more than 100 times daily, setting and releasing the vehicle emergency brake, putting on and removing her seat belt, turning the ignition on and off 100 times per day, and opening/closing more than 600 mailboxes daily. Appellant indicated that she first became aware of the condition on May 10, 2016. She first realized that her condition was caused or aggravated by factors of her federal employment on September 3, 2016. The employing establishment indicated that appellant stopped work on October 6, 2016.

OWCP received an amended report dated November 1, 2016 from Dr. Brian Maiocco, an orthopedic surgeon, who diagnosed right elbow tendinitis. Dr. Maiocco indicated that the condition was due to repetitive overuse and checked a box marked “no” with regard to whether the injury or illness arose out of appellant’s employment. He further indicated that the symptoms appeared in approximately April 2016. Dr. Maiocco noted that appellant was totally disabled from October 6 through November 2, 2016 and advised that from November 2 to 11, 2016, she was partially disabled.

In development letters dated May 16, 2017, OWCP informed appellant and the employing establishment of the type of evidence needed to support her claim and requested that she submit such evidence within 30 days. It requested that she complete a questionnaire describing all activities outside her federal employment.

In a letter dated May 26, 2017, R.K., an employing establishment human resource management specialist, provided comments from a knowledgeable supervisor, a position description, and the physical requirements of appellant’s position. N.R., a supervisor of customer service, indicated that she could not confirm the accuracy of appellant’s claim or challenge her claim. She explained that she had only been appellant’s supervisor since mid-February 2017, and the claim went back to May 10 2016. N.R. advised that the tasks of appellant’s position were no different than that of any carrier performing their daily duties of casing mail, and delivering mail and packages. She explained that they all drove their vehicles, opened and shut the door, buckled and unbuckled the seat belt, set the hand brakes, reached out of the vehicle to put mail into outside curb boxes, and bent and stooped to pick up packages from a lower elevation to a higher elevation, intermittently from one to six hours a day. N.R. explained that safety precautions were in place.

Appellant submitted an undated and unsigned duty status report (Form CA-17) which noted that she had worked 20 hours per week and included a restriction for pushing and pulling for no more than 4 hours per day.

In a letter dated June 13, 2017, appellant explained that she was providing a brief description of her right arm tendinitis and completed OWCP’s questionnaire. She explained that in May 2016, she was experiencing right arm/elbow pain and she sought medical attention/care from Dr. Maiocco. Appellant further explained that she sought treatment for approximately five months, including referring her for physical therapy and a magnetic resonance imaging scan, which revealed a small tear. She described her workday and advised that it was comprised of an 8-hour day, 40 hours a week and she also repeated the description of her duties as a letter carrier. Appellant noted that about three years prior, her route was adjusted over eight hours. She explained that she was a disabled veteran, on an eight-hour restriction. However, despite being informed that she would receive help every day, appellant was fighting with management to accommodate her needs. She noted that she rarely received two 10-minute breaks, or a half-hour

lunch. Appellant provided a chart that detailed the time she performed each duty, which was in excess of eight hours per day.

Appellant provided a June 13, 2017 response to OWCP's questionnaire. She indicated that her outside activities included exercise and walking when physically able. Appellant explained that she exercised one to two times per week for approximately 45 minutes (when she was able), but that she was not able to do so in the past four to five months. She noted that she worked on the computer, performing various functions, for approximately one to one and a half hours per day. Appellant also indicated that she watched TV for one to one and a half hours per day.

By decision dated June 26, 2017, OWCP denied appellant's claim finding that the medical evidence did not demonstrate that the claimed medical condition was related to established work-related events.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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 of FECA,³ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is 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

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of a 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 identified employment factors.⁶

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁷ A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a

² *Id.*

³ *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁶ *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁷ *T.H.*, 59 ECAB 388, 393 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

complete factual and medical background.⁸ Additionally, the physician's 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 factor(s).⁹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish right elbow tendinitis causally related to the accepted factors of her federal employment.

In support of her claim, appellant submitted the amended report dated November 1, 2016 from Dr. Maiocco, who diagnosed right elbow tendinitis and indicated that it was due to repetitive overuse. Dr. Maiocco did not provide a supportive opinion that the condition was work related. Rather, he checked a box marked "no" with regard to whether the injury or illness arose out of appellant's employment. Thus, the Board finds that this report is insufficient to establish appellant's claim.

The undated and unsigned duty status report (Form CA-17) is also insufficient to establish appellant's claim. It is of no probative value as it is devoid of an opinion as to whether appellant's claimed condition is causally related to the accepted factors of her federal employment,¹⁰ and there is no indication that a physician authored the report.¹¹ As such, the Board finds that this report is also insufficient to establish appellant's claim.

As there is no medical evidence explaining how appellant's employment duties caused or aggravated a medical condition involving her right elbow, appellant has not met her burden of proof to establish a right elbow condition causally related to the accepted factors of her federal employment.

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 not met her burden of proof to establish right elbow tendinitis causally related to the accepted factors of her federal employment.

⁸ *M.V.*, Docket No. 18-0884 (issued December 28, 2018); *Victor J. Woodhams*, *supra* note 6.

⁹ *Id.*

¹⁰ Medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue of causal relationship. See *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹¹ As the Board has held, a report that is unsigned or bears an illegible signature lacks proper identification and cannot be considered probative medical evidence. See *L.M.*, Docket No. 18-0473 (issued October 22, 2018); *Merton J. Sills*, 39 ECAB 572, 575 (1988).

ORDER

IT IS HEREBY ORDERED THAT the June 26, 2017 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 25, 2019
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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