

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOSEFINA GONZALES and U.S. POSTAL SERVICE,
POST OFFICE, Albuquerque, NM

*Docket No. 00-2516; Submitted on the Record;
Issued March 6, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof to establish that she sustained an injury to her left hand and arm as a result of her federal employment duties.

On July 24, 1999 appellant, then a 49-year-old postal review clerk, filed a notice of occupational disease and claim for compensation, Form CA-2, alleging that she developed pain in her left hand and arm due to "constantly throwing flats into a bin," which is a duty of her federal employment. On the reverse of the form, her supervisor noted that appellant had not stopped working.

By letter dated August 11, 1999, the Office advised appellant that the information submitted in her claim was not sufficient to determine whether appellant was eligible for benefits under the Federal Employees' Compensation Act.¹ The Office advised appellant of the additional medical and factual evidence needed to support her claim. In particular, appellant was directed to provide a reasoned medical opinion, including a discussion by appellant's physician, as to the causal relationship between appellant's claimed injury and specific employment factors.

By decision dated September 24, 1999, the Office denied appellant's claim. The Office found that the evidence of file supported that appellant experienced the claimed incident, the evidence did not establish that a condition had been diagnosed in connection with the incident, because there was no medical evidence submitted in the claim. Therefore, it was determined that an injury within the meaning of the Act was not demonstrated.

On September 30, 1999 appellant requested reconsideration of the Office's September 24, 1999 denial of claim. Appellant enclosed a narrative statement regarding her work duties and her alleged injury. Appellant also enclosed a report from Dr. Joseph Gorvetzian,

¹ 5 U.S.C. §§ 8101-8193.

a Board-certified internist, who diagnosed the pain in appellant's left arm as left lateral epicondylitis.

In a decision dated October 13, 1999, the Office found that Dr. Gorvetzian's report established that appellant sustained an injury to her left arm. However, the Office also found that Dr. Gorvetzian's opinion did not address the cause of appellant's injury, or explain how appellant's work duties affected appellant's condition. Therefore, the Office modified its previous decision, dated September 30, 1999, because, while appellant has established that she sustained an injury to her left arm, she failed to establish a causal relation between the accepted condition and her work duties.

The Board finds that appellant has not met her burden of proof establishing that she sustained an injury to her left arm, causally related to her federal employment.

An employee seeking benefits in the Act has the burden of establishing that 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 the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained 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 employment injury.² These are essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

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) 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 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 the claimant. The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence, which 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.⁴

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Daniel J. Overfield*, 42 ECAB 717, 721 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

In the instant case, appellant has not provided rationalized medical opinion evidence supporting a causal relation between her left arm condition and her work conditions.

As noted above, part of the burden of proof includes the submission of rationalized medical evidence establishing that the claimed condition is causally related to employment factors. As appellant has not submitted such evidence, she has not met her burden of proof in establishing her claim.

In the instant case, Dr. Gorvetzian diagnosed appellant's condition as left lateral epicondylitis, though he did not offer an opinion regarding a causal relationship.

The decisions of the Office of Workers' compensation Programs dated October 13 and September 24, 1999 are hereby affirmed.

Dated, Washington, DC
March 6, 2002

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member