United States Department of Labor
Employees' Compensation Appeals Board

P.W., Appellant	)	
and	)	**Docket No. 07-1596**
	)	**Issued: November 8, 2007**
U.S. POSTAL SERVICE, Kingston, PA, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
MICHAEL E. GROOM, Alternate Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On May 31, 2007 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decisions dated March 28 and May 16, 2007 denying her occupational injury claim. Pursuant to 20 C.F.R. §§ 501.2 and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury causally related to factors of her federal employment.

FACTUAL HISTORY

On January 13, 2007 appellant, a 53-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that she developed carpal tunnel syndrome as a result of carrying mail. In an undated statement, she indicated that her duties as a carrier since July 1992 included holding mail for delivery eight hours per day. Appellant reported that, for the previous two months, she had been experiencing pain in her left elbow joint when she held her arm straight

down. She stated that her physician had informed her that she was developing carpal tunnel syndrome as a result of carrying mail. Appellant submitted a position description for a city carrier.

In a letter dated February 9, 2007, the Office informed appellant that the evidence submitted was insufficient to establish her claim. The Office advised her to submit details regarding the employment duties she believed caused or contributed to her claimed condition, as well as a comprehensive medical report from a treating physician, which contained symptoms, a diagnosis and an opinion with an explanation as to the cause of her diagnosed condition.

In a letter dated February 5, 2007, Jeffrey A. Kline, supervisor, of the employing establishment concurred with appellant's depiction of her job duties, indicating that she worked eight hours per day, five days per week. Mr. Kline stated that he had not received any medical information regarding appellant's claimed carpal tunnel condition and that she was working full time, without restrictions.

By decision dated March 28, 2007, the Office denied appellant's claim on the grounds that she had not established a causal relationship between the diagnosed condition and accepted work-related duties.

On May 7, 2007 appellant requested reconsideration of the Office's March 28, 2007 decision. She submitted a May 7, 2007 attending physician's report from Dr. Mark Puffenberger, a treating physician, who provided a diagnosis of "overuse/tend[i]nitis left elbow" and reported findings of tenderness around the left postereolateral elbow. In response to a question as to whether he believed appellant's condition was caused or aggravated by conditions of employment, Dr. Puffenberger placed a checkmark in the "yes" box and noted that she "holds mail with left arm bent 90 [degrees] at elbow for long periods of time." In the "remarks" section, he suggested that appellant "not hold mail in left arm."

By decision dated May 16, 2007, the Office denied modification of its March 28, 2007 decision on the grounds that appellant had failed to provide any rationalized medical evidence explaining how and why her federal employment duties could have caused her claimed left elbow condition.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of establishing the essential elements of her claim, including the fact that an injury was

[1] 5 U.S.C. §§ 8101-8193.

sustained in the performance of duty as alleged[2] and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.[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 the 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 diagnosed condition is causally related to the employment factors identified by the claimant.[4] The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence, *i.e*., medical evidence presenting a physician's well-reasoned opinion on how the established factor of employment caused or contributed to claimant's diagnosed condition. To be of probative value, 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.[5]

An award of compensation may not be based on appellant's belief of causal relationship. Neither the mere fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents, is sufficient to establish a causal relationship.[6]

ANALYSIS

The medical evidence submitted by appellant is insufficient to establish that her diagnosed medical condition was caused or aggravated by factors of her federal employment. Therefore, she has failed to meet her burden of proof.

Contemporaneous medical evidence of record consisted of a May 7, 2007 attending physician's report from Dr. Puffenberger, who diagnosed "overuse/tend[i]nitis left elbow" and expressed his belief that her condition was caused or aggravated by conditions of employment, by placing a checkmark in a "yes" box. Dr. Puffenberger also noted that appellant "holds mail with left arm bent 90 [degrees] at elbow for long periods of time." His report lacks probative value on several counts. Most significantly, Dr. Puffenberger did not sufficiently describe appellant's job duties or explain the medical process through which such duties would be

[2] *Joseph W. Kripp,* 55 ECAB 121 (2003); *see also Leon Thomas*, 52 ECAB 202, 203 (2001). "When an employee claims that he sustained injury in the performance of duty he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and manner alleged. He must also establish that such event, incident or exposure caused an injury." *See also* 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R § 10.5(q)(ee) (2002) ("Occupational disease or Illness" and "Traumatic injury" defined).

[3] *Dennis M. Mascarenas*, 49 ECAB 215, 217 (1997).

[4] *Michael R. Shaffer*, 55 ECAB 386 (2004). *See also Solomon Polen*, 51 ECAB 341, 343 (2000).

[5] *Leslie C. Moore*, 52 ECAB 132, 134 (2000); *see also Ern Reynolds*, 45 ECAB 690, 695 (1994).

[6] *Phillip L. Barnes*, 55 ECAB 426 (2004); *see also Dennis M. Mascarenas*, *supra* note 3 at 218.

competent to cause or contribute to the claimed condition. Medical conclusions unsupported by rationale are of little probative value.[7] The Board has held that a report that addresses causal relationship with a checkmark, without a medical rationale explaining how the work conditions caused the alleged injury, is of diminished probative value and is insufficient to establish causal relationship.[8] Additionally, Dr. Puffenberger did not provide findings on examination, or indicate that his opinion was based on a review of a complete factual and medical background of the claimant. For all of these reasons, his report is of diminished probative value.

Appellant expressed her belief that her alleged condition resulted from her duties as a carrier. However, 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.[9] 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.[10] Causal relationship must be substantiated by reasoned medical opinion evidence, which it is appellant's responsibility to submit. Therefore, appellant's belief that her condition was caused by the alleged work-related injury is not determinative.

The Office advised appellant that it was her responsibility to provide a comprehensive medical report which described her symptoms, test results, diagnosis, treatment and the doctor's opinion, with medical reasons, on the cause of her condition. Appellant failed to do so. As there is no probative, rationalized medical evidence addressing how appellant's claimed conditions were caused or aggravated by her employment, she has not met her burden of proof in establishing that she sustained an occupational disease in the performance of duty causally related to factors of employment.

CONCLUSION

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty.

[7] *Willa M. Frazier*, 55 ECAB 379.

[8] *See Calvin E. King, Jr*., 51 ECAB 394 (2000); *see also Frederick E. Howard, Jr*., 41 ECAB 843 (1990).

[9] *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

[10] *Id.*

ORDER

IT IS HEREBY ORDERED THAT the May 16 and March 28, 2007 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: November 8, 2007
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board