

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of THOMAS G. BAYLESS and DEFENSE LOGISTICS AGENCY,  
TINKER AIR FORCE BASE, OK

*Docket No. 98-422; Submitted on the Record;  
Issued August 11, 1999*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof in establishing that he sustained an injury in the performance of duty.

On June 29, 1997 appellant, then a 51-year-old contract monitor, filed an occupational disease claim alleging that he underwent left ankle surgery as a result of standing, walking and climbing stairs in the course of his employment. The employing establishment indicated on the reverse side of the CA-2 form that appellant has not worked since March 11, 1997.

In support of his claim, appellant submitted a June 12, 1997 report from Dr. Mark Weissman, a Board-certified cardiologist. Dr. Weissman advised that appellant had undergone Achilles heel surgery and was unable to exercise at that time. He further noted appellant's history of hypertension, hyperlipidemia and coronary artery disease.

By letter dated August 11, 1997, the Office of Workers' Compensation Programs directed appellant to submit evidence in support of his claim including a physician's opinion, supported by medical reasoning, which addressed whether his federal employment caused or contributed to his diagnosed medical condition.

The employing establishment submitted personnel records with respect to appellant's duties as a contract monitor, which included a description of the physical requirements of the job.

In a statement dated August 26, 1997, appellant noted that he had had two surgeries on his left ankle, the first in January 1996 and the latter in March 1997. According to appellant, he has had at least five bone spurs and the end of his left heel removed. He advised that his employment duties required him to be on his feet six to seven hours a day, either standing, walking or climbing stairs. Appellant indicated that he first noticed his condition in the fall of

1995. He further noted that he had “never had any orthopedic injury except for a sprained ankle back in the [1960s].”

In a decision dated September 22, 1997, the Office denied appellant’s claim for compensation on the grounds that the evidence was insufficient to establish that he had a medical condition causally related to factors of his federal employment.

The Board finds that appellant failed to carry his burden of proof in establishing that he sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> 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 the Act, that the claim was timely filed within the applicable time limitation 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.<sup>2</sup> These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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 a 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 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 claimant.<sup>4</sup>

The medical evidence required to establish causation, 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 claimant.<sup>5</sup>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton* 40 ECAB 1143 (1989).

<sup>3</sup> *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>4</sup> *Woodhams*, *supra* note 3.

<sup>5</sup> *Id.*

In the instant case, the Office correctly found that appellant failed to provide rationalized medical evidence to establish that his medical condition was caused by factors of his federal employment. The only medical evidence of record is a June 12, 1997 report from Dr. Weissman which indicated that appellant underwent Achilles heel surgery. However, he failed to discuss the employment factors alleged by appellant as having attributed to his diagnosed condition and Dr. Weissman offered no opinion on the issue of causal relationship.

Neither the fact that appellant's left heel or ankle condition became apparent during a period of employment, nor the belief of appellant that his conditions were caused or aggravated by employment conditions, is sufficient to establish causal relationship.<sup>6</sup> Although appellant was advised by the Office to submit a rationalized medical opinion to support his claim, appellant failed to submit any additional medical evidence regarding the causal relationship between his bilateral knee condition and his employment. The Office, therefore, properly denied his claim for compensation.

The decision of the Office of Workers' Compensation Programs dated September 22, 1997 is hereby affirmed.

Dated, Washington, D.C.  
August 11, 1999

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>6</sup> *Id.*