

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of THOMAS GATES and DEPARTMENT OF THE NAVY,
NORTH ISLAND NAVAL AIR STATION, San Diego, CA

*Docket No. 98-205; Submitted on the Record;
Issued July 21, 1999*

DECISION and ORDER

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

The issue is whether appellant has met his burden of proof that his left elbow condition is causally related to his November 8, 1996 employment injury.

On November 18, 1996 appellant, then a 48-year-old instrument worker, filed a claim for compensation stating that he sustained a strain of the left elbow on November 8, 1996 while he was moving his tool box from his work bench to the floor. In a February 20, 1997 decision, the Office of Workers' Compensation Programs found that the evidence of record failed to establish that appellant's left elbow condition was causally related to his November 8, 1996 employment injury. In a September 12, 1997 merit decision, the Office denied appellant's request for modification of the Office's February 20, 1997 decision.

The Board finds that appellant has not met his burden of proof in establishing that his left elbow condition was causally related to his November 8, 1996 employment injury.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim. Appellant has the burden of establishing by reliable, probative and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.² As part of such burden of proof, rationalized medical opinion evidence showing causal relation must be submitted.³ The mere fact that a condition manifests itself or worsens during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁴ Such a relationship must be shown by rationalized medical evidence of causal

¹ 5 U.S.C. §§ 8101-8193.

² *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

³ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

⁴ *Juanita Rogers*, 34 ECAB 544, 546 (1983).

relation based upon a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated a disability.⁵

In a March 28, 1997 report, Dr. James Ziegler, a Board-certified family practitioner, indicated that appellant was first seen for elbow pain on November 12, 1996, stating that he hit his elbow on a door but could not remember exactly when the injury occurred. Dr. Ziegler related that the diagnosis was left elbow strain. He described appellant's subsequent treatment. He noted that when appellant was seen on November 26, 1996 he gave a history of hurting his elbow on November 8, 1996 while moving a tool box. Dr. Ziegler indicated that appellant still had tenderness over the left lateral condyle area and some swelling. He diagnosed a severe strain.

In an April 28, 1997 report, Dr. Michael S. Willson, a Board-certified family practitioner, indicated that he saw appellant on November 13, 1996 with a history of two to three days of elbow pain with a question of hitting the elbow on "something." Dr. Willson diagnosed lateral epicondylitis. He indicated that appellant currently recalled that his symptoms began after lifting a tool box at work. Dr. Willson stated that appellant's symptoms, as presented on November 13, 1996, were consistent with either hitting his elbow on an object or lifting a tool box in a rotational way with the left arm. He stated that he was not able to recreate the scenario, that his reports were retrospective. He added that it was clear that appellant hit his elbow on something proximal to November 13, 1996 and did have a definitive injury which inhibited his ability to use his left elbow.

In a May 23, 1997 report, Dr. Ariane Mohit, a family practitioner, stated that she saw appellant on November 12, 1996 complaining of left elbow pain. She related that appellant did not recall how he injured his elbow but thought he had hit his left elbow on a door a few days before his visit and had been having increasing pain since that time. She diagnosed an elbow strain.

Of the three physicians, only Dr. Willson addressed the issue of causal relationship. He stated that appellant could have injured his elbow either by hitting it on something or by lifting a tool box. His report, therefore, is equivocal and, as a result, has little probative value. The other physicians related appellant's histories of injury to the left elbow but did not give their opinions on whether appellant's left elbow condition was related to his history of the November 8, 1996 employment injury. Appellant, therefore, has not met his burden of proof in submitting substantive, probative, rationalized medical evidence relating his left elbow condition to the employment injury.

⁵ *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).

The decisions of the Office of Workers' Compensation Programs, dated September 12 and February 20, 1997, are hereby affirmed.

Dated, Washington, D.C.
July 21, 1999

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member