

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of DON L. LAHR, JR. and U.S. POSTAL SERVICE,  
POST OFFICE, Orangevale, Calif.

*Docket No. 97-2339; Submitted on the Record;  
Issued May 10, 1999*

---

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
MICHAEL E. GROOM

The issue is whether appellant met his burden of proof in establishing that he sustained an injury causally related to factors of employment.

The Board has duly reviewed the case record and finds that appellant failed to meet his burden of proof.

On December 12, 1996 appellant, then a retired letter carrier, filed an occupational disease claim, alleging that factors of employment caused and aggravated his degenerative joint disease.<sup>1</sup> He had stopped work on February 22, 1996, at which time he was working four hours per day casing mail.<sup>2</sup> By letter dated February 1, 1996, the Office informed appellant of the type of information needed to support his claim. By decision dated May 6, 1997, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that his limited-duty work caused or aggravated his claimed condition. The instant appeal follows.

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

---

<sup>1</sup> The record indicates that appellant had previously filed a Form CA-2, occupational disease claim, on June 15, 1994 that was adjudicated by the Office of Workers' Compensation Programs under file number 13-1046872. The claim was accepted for right trapezius strain. By decision dated January 25, 1996, the Office terminated appellant's compensation based on the second opinion evaluation of Dr. Charles B. Clark, a Board-certified orthopedic surgeon, who advised that there was nothing wrong with appellant and that he could perform his normal job duties on a full-time basis. Appellant requested reconsideration and, in a September 4, 1996 decision, the Office denied modification. Appellant again requested reconsideration and, by decision dated November 20, 1996, the Office denied his request, advising that if he believed his current job activities were aggravating his condition, he should submit a Form CA-2. Appellant did not file an appeal with the Board regarding this claim. He then filed the instant claim that was adjudicated by Office under file number 13-1125484.

<sup>2</sup> Appellant's work restrictions indicated that he was not to lift greater than 10 pounds and was not to bend, squat, kneel, climb or reach above his shoulders.

presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying the factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the 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 factors identified by the claimant. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and the identified factors. The belief of appellant that the condition was caused or aggravated by the identified factors is not sufficient to establish causal relation.<sup>3</sup>

In the present case, there is no dispute that appellant was a federal employee and that he timely filed a claim for compensation benefits. However, the medical evidence is insufficient to establish that he sustained an employment-related injury because it does not contain a rationalized medical opinion explaining how his degenerative joint disease was caused or aggravated by employment factors. In support of his claim, he submitted an October 16, 1996 report from Dr. Christine Fernando, a Board-certified rheumatologist, who diagnosed degenerative arthritis of the cervical and lumbosacral spines and sternoclavicular joints. Based on appellant's job description of his duties as a letter carrier, she advised that the repetitive motions of casing mail, lifting trays and reaching aggravated his condition. She stated that appellant could work four hours per day with restrictions to his physical activity and concluded:

“[Appellant] states he is able to work four hours a day casing mail, without repercussion, however, when his hours are extended beyond that his symptoms of his degenerative arthritis are increased.”

As Dr. Fernando merely reiterated appellant's opinion that he could not work more than four hours per day, her opinion is of diminished probative value.<sup>4</sup> Appellant, therefore, did not meet his burden of proof.

---

<sup>3</sup> *Lourdes Harris*, 45 ECAB 545 (1994).

<sup>4</sup> *See Manuel Garcia*, 37 ECAB 767 (1986).

The decision of the Office of Workers' Compensation Programs dated May 6, 1997 is hereby affirmed.

Dated, Washington, D.C.  
May 10, 1999

George E. Rivers  
Member

David S. Gerson  
Member

Michael E. Groom  
Alternate Member