

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of KAREN S. BERNARD and U.S. POSTAL SERVICE,  
POST OFFICE, Rochester, MN

*Docket No. 99-78; Submitted on the Record;  
Issued March 21, 2000*

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DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant has met her burden to establish that she sustained a heel condition causally related to factors of her federal employment.<sup>1</sup>

On July 10, 1998 appellant, then a 29-year-old mail processing clerk, filed an occupational disease claim alleging that she developed sore heels causally related to factors of her federal employment. Appellant did not stop work. By decision dated August 26, 1998, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that her claimed condition was not causally related to factors of her federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has not met her burden of proof to establish that she developed a heel condition due to factors of her federal employment.

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 evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.<sup>2</sup>

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<sup>1</sup> At the time her claim was before the Office, appellant was known as Karen S. Nolte.

<sup>2</sup> *Lourdes Harris*, 45 ECAB 545, 547 (1994).

In the present case, the Office denied appellant's claim for compensation on the grounds that the medical evidence of record did not establish that her claimed condition was causally related to factors of her federal employment. In support of her claim, appellant submitted a copy of the job duties of her position, as well as a narrative statement indicating that she had developed ongoing pain in her heels over the past 2 years as a result of walking and standing on her feet for 8 to 10 hours a day. By letter dated July 23, 1998, appellant was advised by the Office of the need to submit additional medical evidence, including a rationalized medical report which related her claimed disorders to her specific work duties. Thereafter, appellant submitted a July 16, 1998 medical report from Dr. Loring Stead, her treating podiatrist, in which the physician diagnosed a heel spur and plantar fascial strain, and discussed his plans for treatment of this condition. Appellant also submitted the July 16, 1998 x-ray report, upon which Dr. Stead relied, noting the presence of a small plantar calcaneal spur on appellants left foot. These reports, however, do not relate appellant's diagnosed conditions to factors of her federal employment. Appellant also submitted a form report from a physician at Olmstead Medical Center, which indicated that appellant had complained of right and left heel pain since March or April 1998, listed a diagnosis of plantar fascial strain, and indicated that appellant could work as tolerated. As appellant has not submitted sufficient medical evidence to establish a causal relationship between her claimed condition and factors of her federal employment, she has not met her burden of proof.

The decision of the Office of Workers' Compensation Programs dated August 26, 1998 is hereby affirmed.<sup>3</sup>

Dated, Washington, D.C.  
March 21, 2000

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>3</sup> The Board notes that subsequent to the Office's August 26, 1998 final decision in this claim, appellant submitted additional medical evidence into the record. The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of the final decision before the Board. 20 C.F.R. § 501.2(c). Therefore, the Board cannot consider this evidence. Appellant may, however, resubmit this evidence to the Office, together with a written request for reconsideration.