

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CASIMIR P. HOLUBECKI and U.S. POSTAL SERVICE,
POST OFFICE, Westfield, MA

*Docket No. 01-950; Submitted on the Record;
Issued December 13, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant met his burden to establish that he sustained a right foot condition in the performance of duty.

On January 14, 2000 appellant, a 53-year-old letter carrier, filed a Form CA-2 claim for benefits based on occupational disease, alleging that he had developed a plantar fasciitis condition in his right foot, which was causally related to factors of employment.

In support of his claim, appellant submitted an April 28, 2000 treatment note from Dr. Ben Dickert, a podiatrist, who restricted appellant from standing in one place for more than two hours, for the following three weeks.

By letter dated May 19, 2000, the Office of Workers' Compensation Programs advised appellant that it required additional factual and medical evidence to determine whether he was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report describing his symptoms, indicating a diagnosis of the condition and the medical reasons for his condition and an opinion as to whether his claimed condition was causally related to his federal employment. The Office requested that appellant submit the additional evidence within 30 days.

Appellant submitted treatment notes dated May 12 and June 5, 2000 from Dr. Dickert in which he essentially reiterated his earlier restrictions.

By decision dated August 7, 2000, the Office denied appellant's claim on the grounds that he did not submit medical evidence sufficient to establish that the claimed medical condition was causally related to his federal employment.

The Board finds that appellant did not meet his burden of proof to establish that he sustained a right foot condition in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that 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 period 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.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.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 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 medical evidence required to establish causal relationship is usually rationalized medical 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 the claimant.⁴

In the present case, the only medical evidence appellant submitted, the treatment notes from Dr. Dickert, were of a summary nature and did not contain an opinion bearing on causal relationship. Appellant, therefore, has failed to submit any rationalized, probative, medical evidence establishing that the claimed right foot condition is causally related to employment factors or conditions.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.⁵ Causal relationship must be established by rationalized medical opinion evidence. The Office advised appellant of the type of evidence required to establish her claim; however, appellant failed to submit such evidence. Appellant,

¹ 5 U.S.C. § 8101 *et seq.*

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

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

⁵ *See Id.*

therefore, did not provide a medical opinion to sufficiently describe or explain the medical process through which factors of her employment would have been competent to cause her claimed condition. Thus, the Office's August 7, 2000 decision is affirmed.

The decision of the Office of Workers' Compensation Programs dated August 7, 2000 is hereby affirmed.

Dated, Washington, DC
December 13, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member