

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PETRA MOGILSKI and DEPARTMENT OF THE AIR FORCE,
LAUGHLIN AIR FORCE BASE, TX

*Docket No. 01-582; Submitted on the Record;
Issued September 17, 2001*

DECISION and ORDER

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

The issue is whether appellant established that her right lateral epicondylitis was causally related to her employment.

On August 28, 2000 appellant, then a 60-year-old fabric worker, filed a claim for occupational disease alleging that her inflamed right elbow was caused by her employment.

In a decision dated November 28, 2000, the Office of Workers' Compensation Programs denied her claim on the grounds that the evidence of file failed to establish that a relationship existed between her condition and her employment.

The Board has duly reviewed the case record in the present appeal and finds that appellant did not establish that her right lateral epicondylitis was causally related to her employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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.² These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.

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

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

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 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.³

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 the claimant.⁴

In the instant case, the Office denied appellant's claim on the grounds that she failed to submit a rationalized medical opinion to establish the causal relationship between her right lateral epicondylitis and factors of her federal employment.⁵ Although appellant relies on an October 4, 2000 report by Dr. Vargas, the Board notes that the physician did not provide a rationalized medical opinion establishing a causal relationship between his diagnosis of right lateral epicondylitis and her employment.⁶ Appellant also included an October 6, 2000 report from her physical therapist, countersigned by Dr. Vargas who prescribed the physical therapy. This report described the treatment rendered and the need for continuing treatment but failed to relate the need for such treatment to an injury sustained as a direct result of performing specific duties within her job description. In the absence of a rationalized medical opinion establishing either that appellant's right lateral epicondylitis was causally related to or aggravated by factors of her federal employment, the Office properly denied compensation.⁷

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

⁴ *Id.*

⁵ The Office, in a letter dated September 25, 2000, advised appellant regarding the information she needed to submit to the Office to properly develop her claim.

⁶ In that report, Dr. Vargas stated that appellant had right lateral epicondylitis and needed a right elbow air pad. In a subsequent report dated August 7, 2000, Dr. Vargas stated that appellant was released to return to work with restrictions against using her right elbow. Neither report included any reference to the cause of appellant's condition.

⁷ On appeal, appellant submitted a statement from her supervisor and a narrative medical report by Dr. Vargas. However, the Board is precluded from reviewing evidence not in the case record at the time the Office rendered its decision. *See* 20 C.F.R. § 501.3(c). Appellant may resubmit the above evidence to the Office with a request for reconsideration.

The November 28, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
September 17, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member