

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MADELINE GAMBER and U.S. POSTAL SERVICE,
POST OFFICE, West Grove, PA

*Docket No. 01-1654; Submitted on the Record;
Issued February 4, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty as alleged.

On February 7, 2001 appellant, then a 46-year-old rural carrier, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that she sustained wrist extension tendinitis causally related to factors of her federal employment. In support of her claim, appellant submitted a copy of her wrist exercises and occupational therapy notes.

By letter dated March 14, 2001, the Office of Workers' Compensation Programs requested further information from appellant. Appellant responded by letter dated March 27, 2001, wherein she indicated that she works as a rural carrier five days a week and handles mail about nine hours a day. She noted that she received physical therapy for her injury. In further support of her claim, appellant submitted an attending physician's report (Form CA-20) by Dr. James D. Knox, Jr., a Board-certified family practitioner, wherein he indicated that appellant sustained right wrist extensor tendinitis. When asked whether appellant's condition was caused or aggravated by her employment, he checked "Yes" and stated, "Patient works Postal office -- Mail Carrier."

By decision dated May 8, 2001, the Office denied appellant's claim as it found that the medical evidence was not sufficient to establish that her condition was caused by an employment factor.

The Board finds that appellant has failed to meet her burden of proof in establishing that she sustained an injury in the performance of duty.

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 the 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 claimant.¹ The medical evidence required to establish a causal relationship, 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,² must be one of reasonable medical certainty³ 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 The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁵

In the instant case, appellant has not provided rationalized medical evidence that she sustained wrist extensor tendinitis as the result of her federal employment. Appellant's doctor submitted a form report indicating that appellant's right wrist extensor tendinitis was caused or aggravated by the employment activity, but did not discuss in medical terms how appellant's work for the employing establishment caused or aggravated this condition. The Board has held that when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion has little probative value and is insufficient to establish causal relationship.⁶ Accordingly, appellant has failed to meet her burden to establish that she sustained an injury causally related to the performance of duty.

¹ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

² *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

³ *Morris Scanlon*, 11 ECAB 384-385 (1960).

⁴ *William E. Enright*, 31 ECAB 426, 430 (1980).

⁵ *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁶ *See, e.g., Lillian M. Jones*, 34 ECAB 379 (1982).

The decision of the Office of Workers' Compensation Programs dated May 8, 2001 is affirmed.⁷

Dated, Washington, DC
February 4, 2002

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

⁷ Appellant submitted additional medical evidence after the Office's May 8, 2001 decision. The Board, however, may not review evidence that was not before the Office at the time it issued its final decision; *see* 20 C.F.R. § 501.2(c). This decision does not preclude appellant from submitting her evidence along with a request for reconsideration to the Office.