

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of R. MICHAEL HARDING and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, Roseberg, OR

*Docket No. 03-73; Submitted on the Record;
Issued May 19, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury to his right foot in the performance of his federal duties.

On July 6, 2000 appellant, then a 45-year-old physician, filed a notice of traumatic injury and claim for compensation (Form CA-1) alleging that, on July 5, 2000, while showering at the employing establishment, he slipped in the shower. He caught himself with his outstretched hands but twisted his neck and hit the heel of his right foot causing discomfort in the arch.

In a July 7, 2000 report, Dr. William L. Steitz, an orthopedic surgeon, indicated that appellant presented with neck and heel pain. He wrote that appellant slipped in the shower and dorsiflexed his foot and flared a prior plantar fasciitis-like symptomology with soreness and plantar aspect of the foot. On physical examination appellant revealed point tenderness at the plantar medial calcaneus. X-rays of the heel showed small exostosis both plantar and posterior superior reactive bone type. He diagnosed plantar fasciitis.

In a July 27, 2000 report, Dr. Steitz indicated that appellant had low back and chronic heel pain. He further noted that appellant had point tenderness at the plantar medial right heel. On August 24, 2000 Dr. Steitz ordered appellant bilateral orthotics.

In an August 29, 2001 letter, the Office of Workers' Compensation Programs requested more information from appellant regarding his right heel condition. In a September 24, 2000 letter, appellant explained that prior to the incident on July 5, 2000 he had minimal pain in his right heel that he attributed to sitting at a computer with his legs crossed at the ankle putting pressure on his right heel. Appellant indicated that he was able to self-treat by wearing Birkenstock shoes and stretching. Appellant indicated that, on July 5, 2000, he slipped on the wet floor in the shower, initially impacting his right calcaneus (heel bone) on the tile floor, then dorsiflexing his right foot and ankle while attempting to prevent himself from falling. Appellant also indicated that he sustained right plantar fasciitis and calcinitis.

In a November 15, 2000 decision, the Office denied appellant's claim finding that the evidence does not establish that appellant's right heel condition was caused by an employment factor.

In an undated letter received by the Office on November 27, 2000, appellant requested a hearing on his heel condition. At the hearing appellant testified that he banged his heel very severely in the dorsiflexion of his right foot where the foot comes up at the toe and stretches the Achilles tendon.

In an October 18, 2001 decision, the hearing representative denied appellant's right heel claim finding that the evidence lacked a rationalized medical opinion; specifically objective evidence supporting that his right heel condition was causally related to the July 5, 2000 fall in the shower.

The Board finds that appellant has not met his burden of proof to establish that he sustained a right foot injury in the course of his federal employment.

The Office has accepted that appellant sustained a work-related injury on July 5, 2000 when he slipped in the employing establishment's shower. The Office denied, however, that appellant's right heel condition was related to this injury. The claimant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or factors of employment. As part of this burden, the claimant must present rationalized medical opinion evidence, based upon a complete and accurate factual and medical background establishing a causal relationship.¹

In the present case, appellant has not submitted medical evidence that explains the relationship between the diagnosed condition of plantar fasciitis and the incident on July 5, 2000. In his July 7, 2000 report, Dr. Steitz diagnosed plantar fasciitis and indicated that x-rays of appellant's heels revealed small extosis, both plantar and posterior, but he does not explain how hitting his heel would result in this diagnosis, and how, and if, appellant's condition led to his disability. This explanation is especially important because appellant indicated that he had a foot condition prior to the fall in the shower and he sustained multiple conditions as a result of the fall on July 5, 2000. Neither the fact that the condition became apparent during a period of employment, nor the belief that the condition was caused or aggravated by employment conditions, is sufficient to establish causal relationship.² In the absence of a rationalized medical opinion on causal relationship, the Board finds that appellant did not meet his burden of proof in this case.

¹ *Brian E. Flescher*, 40 ECAB 532 (1989).

² *Ruby I. Fish*, 46 ECAB 276 (1994).

The October 18, 2001 decision by the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
May 19, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member