United States Department of Labor
Employees' Compensation Appeals Board

S.R., Appellant	)	
and	)	**Docket No. 07-12**
	)	**Issued: February 28, 2007**
U.S. POSTAL SERVICE, POST OFFICE, Vero Beach, FL, Employer	)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On October 4, 2006 appellant filed a timely appeal from the Office of Workers' Compensation Programs' February 7, 2006 merit decision denying her traumatic injury claim. Pursuant to 20 C.F.R. §§ 501.2 and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury causally related to factors of her federal employment.

FACTUAL HISTORY

On December 12, 2005 appellant, a 48-year-old clerk, filed a traumatic injury claim, alleging that she noticed "severe pain in her left wrist after sorting extremely large and numerous parcels" on December 11, 2005. Her supervisor, Richard M. Smith, Jr., controverted the claim, noting that appellant had informed him that she was not sure that she had injured her wrist at work. On December 16, 2005 the employing establishment challenged appellant's claim on the grounds that pain is not a compensable diagnosis.

On December 23, 2005 the Office informed appellant that the evidence submitted was insufficient to establish her claim and requested detailed information regarding the activities she believed contributed to her condition and a comprehensive medical report with a diagnosis, results of examinations and tests and a doctor's opinion with medical reasons on the cause of her condition.

In response to the Office's request, appellant submitted a December 12, 2005 duty status report, signed by Dr. Nancy Baker, a Board-certified family practitioner, who stated that appellant noticed severe pain in her left wrist after sorting numerous large parcels. In a January 23, 2006 Florida workers' compensation form, Dr. Baker recommended occupational therapy. Although the form requested information regarding the cause of appellant's condition, no such information was provided. On January 23, 2006 Dr. Baker prescribed occupational therapy for appellant's left hand and provided a diagnosis of de Quervain's tenosynovitis. In a January 23, 2006 duty status report, she diagnosed "de Quervain's," stating that appellant injured her left wrist while handling a large volume of incoming parcels.

By decision dated February 7, 2006, the Office denied appellant's claim on the grounds that the medical evidence did not demonstrate that her claimed medical condition was causally related to established work-related events. The Office accepted that the claimed events occurred, but found that appellant had failed to provide a diagnosis which could be connected to the accepted events.[1]

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act[2] has the burden of establishing the essential elements of her claim, including the fact that an injury was sustained in the performance of duty as alleged,[3] and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.[4]

The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence, *i.e.*, medical evidence presenting a physician's well-reasoned opinion on how the established factors of employment caused or contributed to the claimant's diagnosed condition. To be of probative value, 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

[1] The Board notes that the record on appeal contains evidence that was not before the Office at the time it issued its February 7, 2006 decision. The Board has no jurisdiction to review this evidence for the first time on appeal. *See* 20 C.F.R. § 501.2(c). *See also Dennis E. Maddy*, 47 ECAB 259 (1995); *James C. Campbell*, 5 ECAB 35, 36 n.2 (1952). Appellant may submit this evidence to the Office, together with a formal request for reconsideration, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606(b)(2).

[2] 5 U.S.C. §§ 8101-8193.

[3] *Joseph W. Kripp,* 55 ECAB ___ (Docket No. 03-1814, issued October 3, 2003); *see also Leon Thomas*, 52 ECAB 202, 203 (2001). "When an employee claims that he sustained injury in the performance of duty he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury." *See also* 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. § 10.5(q) and (ee) (2002) ("Occupational disease or Illness" and "Traumatic injury" defined).

[4] *Dennis M. Mascarenas,* 49 ECAB 215, 217 (1997).

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.[5] An award of compensation may not be based on appellant's belief of causal relationship. Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish a causal relationship.[6]

ANALYSIS

The Office accepted that the sorting activities described by appellant occurred in the performance of duty. The issue at hand, therefore, is whether the medical evidence submitted is sufficient to establish that her diagnosed condition is causally related to the employment factors identified. The medical evidence presented does not contain a rationalized medical opinion establishing that the work-related incident caused or aggravated any particular medical condition or disability. Therefore, appellant has failed to satisfy her burden of proof.

The medical evidence of record consists of reports from Dr. Baker. In her December 12, 2005 duty status report, Dr. Baker stated that appellant noticed severe pain in her left wrist after sorting numerous large parcels. However, she did not provide a diagnosis or an opinion as to the specific cause of appellant's condition. The Board has long held that medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.[7] In a January 23, 2006 Florida workers' compensation form, Dr. Baker recommended occupational therapy, but failed to provide the requested information regarding the cause of appellant's condition. On that same date, Dr. Baker prescribed occupational therapy and provided a diagnosis of de Quervain's tenosynovitis. However, she again offered no opinion as to the cause of appellant's condition. Therefore, these reports also lack probative value. In a January 23, 2006 duty status report, Dr. Baker diagnosed "de Quervain's," stating that appellant injured her left wrist while handling a large volume of incoming parcels. To the degree that Dr. Baker's statement can be construed as an opinion as to the cause of appellant's diagnosed condition, it is unsupported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.[8] It is therefore of diminished probative value.

Appellant expressed her belief that her condition resulted from her work-related sorting activities. The Board has held that 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.[9] 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 factors or incidents is sufficient to

[5] *Leslie C. Moore*, 52 ECAB 132, 134 (2000); *see also Ern Reynolds*, 45 ECAB 690, 695 (1994).

[6] *Phillip L. Barnes*, 55 ECAB 426 (2004); *see also Dennis M. Mascarenas*, *supra* note 4 at 218.

[7] *Michael E. Smith*, 50 ECAB 313 (1999).

[8] *Leslie C. Moore*, 52 ECAB 132, 134 (2000); *see also Ern Reynolds*, 45 ECAB 690, 695 (1994).

[9] *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

establish causal relationship.[10] Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit. Therefore, appellant's belief that her condition was caused by work-related activities is not determinative.

The Office advised appellant that it was her responsibility to provide a comprehensive medical report which contained a description of her symptoms, test results, diagnosis, treatment and the doctor's opinion, with medical reasons, on the cause of her condition. Appellant failed to do so. As there is no probative, rationalized medical evidence addressing how appellant's claimed condition was caused or aggravated by her employment, she has not met her burden of proof in establishing that she sustained a traumatic injury in the performance of duty causally related to factors of employment.

CONCLUSION

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty on December 11, 2005.

ORDER

IT IS HEREBY ORDERED THAT the February 7, 2006 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 28, 2007
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board

[10] *Id.*