



of the evidence needed to support his claim. This was to include a statement identifying the employment factors that he believed caused his condition and medical documentation which contained a reasoned opinion from his physician regarding the cause of the claimed condition. The letter further explained that it was appellant's responsibility to provide the requested information to the Office within 30 days.

In a statement dated May 23, 2004, appellant contended that the screening of luggage for six hours daily caused his condition, explaining that this entailed repetitive lifting and handling of luggage, which could weight up to 70 pounds. He further stated that he had no previous elbow injuries and described his symptoms of progressive pain in his elbows, which restricted movement, especially on the right. Appellant noted that he was on light-duty lifting restrictions. He indicated that medical documentation had been forwarded to Trena Stoddard, an employing establishment injury compensation specialist.

A telephone memorandum of record indicates that appellant called the Office on May 24, 2004 and stated that his medical paperwork had been previously submitted. When told that the Office had not received it, he stated that it would be sent.

By decision dated July 26, 2004, the Office denied the claim on the grounds that appellant did not submit medical evidence to support his claim for a bilateral elbow condition.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> 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 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. Regardless of whether the asserted claim involves traumatic injury or occupational disease, an employee must satisfy this burden of proof.<sup>2</sup>

Office regulations, at 20 C.F.R. § 10.5(q) define occupational disease as a condition produced by the work environment over a period longer than a single workday or shift.<sup>3</sup> 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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion must be one of reasonable medical certainty and must be supported by medical rationale

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Gary J. Watling*, 52 ECAB 357 (2001).

<sup>3</sup> 20 C.F.R. § 10.5(q); *see Ellen L. Noble*, 55 ECAB \_\_\_\_ (Docket No. 03-1157, issued May 7, 2004).

explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>4</sup>

Causal relationship is a medical issue and the medical evidence required to establish a causal relationship is rationalized medical evidence.<sup>5</sup> Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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.<sup>6</sup> 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 causal relationship.<sup>7</sup>

### ANALYSIS

In this case, appellant failed to meet his burden of proof to establish a *prima facie* claim that employment factors caused his bilateral elbow condition. While appellant submitted a statement in which he identified the factors of employment that he believed caused his condition, in order to establish his claim that he sustained an employment-related injury, he must also submit rationalized medical evidence which explains how his elbow condition was caused or aggravated by the implicated factors.<sup>8</sup>

On May 17, 2004 the Office informed appellant of the evidence needed to support his claim, to include a physician's report explaining how the reported condition was caused by employment factors. A telephone memorandum contained in the record notes that appellant was further informed that medical evidence had not been received. Although appellant advised the Office that the requested medical evidence would be sent, the record before the Board contains no medical evidence whatsoever. The Board notes that appellant did not provide the factual and medical evidence required to establish a *prima facie* claim for compensation.<sup>9</sup>

With his appeal to the Board, appellant submitted several medical reports and a facsimile transmittal sheet indicating that the medical reports were faxed by the employing establishment at Dulles Airport to the employing establishment headquarters. There is no indication that this medical evidence was ever submitted to the Office. The Board cannot consider this evidence for the first time on appeal, as its review is limited to the evidence of record which was before the

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<sup>4</sup> *Donna L. Mims*, 53 ECAB 730 (2002).

<sup>5</sup> *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

<sup>6</sup> *Leslie C. Moore*, 52 ECAB 132 (2000); *Gary L. Fowler*, 45 ECAB 365 (1994).

<sup>7</sup> *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

<sup>8</sup> *Leslie C. Moore*, *supra* note 6.

<sup>9</sup> *See Richard H. Weiss*, 47 ECAB 182 (1995).

Office at the time of its final merit decision.<sup>10</sup> Appellant may submit this evidence to the Office with a request for reconsideration.<sup>11</sup>

**CONCLUSION**

The Board finds that appellant did not meet his burden of proof to establish that he sustained an injury causally related to factors of his employment.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated July 26, 2004 be affirmed.

Issued: March 17, 2005  
Washington, DC

Alec J. Koromilas  
Chairman

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member

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<sup>10</sup> 20 C.F.R. § 501.2(c).

<sup>11</sup> See 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605-10.610; *James A. Castagno*, 53 ECAB 782 (2002).