



## **FACTUAL HISTORY**

On October 4, 2011 appellant, then a 63-year-old physician, filed an occupational disease claim (Form CA-2) alleging probable bilateral carpal tunnel syndrome and right medial nerve neuritis due to her repetitive work on a keyboard and mouse. She first became aware of her condition and attributed it to her federal employment on August 8, 2011, after experiencing tingling and burning sensation with griping and squeezing motions.

By letter dated October 20, 2011, OWCP requested that appellant submit medical evidence from a treating physician that included dates of examination and treatment, history of injury, examination findings, diagnosis, and the physician's opinion supported by a medical explanation as to how the reported work conditions caused her medical condition.

Appellant did not submit any medical evidence.

By decision dated December 6, 2011, OWCP denied appellant's claim.

## **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>3</sup> has the burden to establish the essential elements of his claim including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed, that an injury was sustained in the performance of duty as alleged and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.<sup>4</sup>

To establish that an injury was sustained in the performance of duty in a claim for occupational disease, an employee must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.<sup>5</sup>

## **ANALYSIS**

The Board finds that appellant failed to meet her burden of proof. While appellant alleged that she sustained probable carpal tunnel syndrome right medial nerve neuritis due to repetitive work on the keyboard and mouse, she did not submit the requisite medical evidence to establish her claim.

It is appellant's burden to submit a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition. It is also her burden to submit medical evidence from a treating physician to establish a diagnosis

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<sup>3</sup> 5 U.S.C. §§ 8101-8193.

<sup>4</sup> *Steven S. Saleh*, 55 ECAB 169 (2003); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>5</sup> *See Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

of the disease or condition for which compensation is claimed and that the diagnosed condition is causally related to the implicated employment factors. The Board finds that appellant failed to submit any medical evidence to establish a firm medical diagnosis or the causal relationship between her claimed condition and factors of her federal employment. Although OWCP informed appellant of the deficiencies in the evidence, she did not submit sufficient factual and medical evidence to establish her claim. Appellant did not meet her burden of proof to establish that she sustained an employment-related injury.<sup>6</sup>

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

**CONCLUSION**

The Board finds that appellant failed to meet her burden of proof to establish that she sustained a medical condition in the performance of duty causally related to factors of her federal employment.

**ORDER**

**IT IS HEREBY ORDERED THAT** the December 6, 2011 decision of Office of Workers' Compensation Programs is affirmed.

Issued: June 25, 2012  
Washington, DC

Alec J. Koromilas, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board

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

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<sup>6</sup> See *Donald W. Wenzel*, 56 ECAB 390 (2005).