

tendinitis as a result of her federal employment. The reverse of the claim form indicated that she did not stop work.

In an accompanying narrative statement, appellant noted that she first had wrist pain in 2006 while working on DBCS machines. She changed jobs in December 2006 and the pain eventually ceased. Appellant again began working on DBCS machines in March 2009 and after a few months, experienced pain in her right wrist. She noted that her job duties included repetitive loading and sweeping the DBCS machine.

In a letter dated November 9, 2011, OWCP requested that appellant submit medical evidence to support her claim. It asked for a physician's opinion supported by medical explanation regarding causal relationship between a diagnosed condition and federal employment. OWCP also sent a November 9, 2011 letter to the employing establishment with respect to appellant's work duties.

On November 28, 2011 appellant submitted a brief report from Dr. Clifford DePrang, an orthopedic surgeon, who treated her on October 11, 2011. Dr. DePrang stated "[appellant] is suffering from bilateral wrist tendinitis which is a result of her repetitive activities at her workplace (on a mail processing machine)." He recommended that she be placed into a different job position that did not require as much repetitive movement of her wrists. Appellant also submitted an October 3, 2011 report from a physician's assistant.

By decision dated January 19, 2012, OWCP denied the claim for compensation. It stated that appellant was asked to submit responses to the questionnaire regarding the employment factors she believed caused an injury. OWCP concluded, "Your case is denied because the evidence is not sufficient to establish that the event occurred as you described. Specifically, your case is denied because the evidence is not sufficient to establish that the medical condition is causally related to the accepted work event(s)."

LEGAL PRECEDENT

A claimant seeking benefits under FECA² has the burden of establishing the essential elements of his claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.³

To establish that an injury was sustained in the performance of duty, a claimant must submit: (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;

² 5 U.S.C. §§ 8101-8193.

³ 20 C.F.R. § 10.115(e), (f) (2005); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁴

Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁵ A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁶ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors.⁷

ANALYSIS

A claimant must submit a factual statement identifying the employment factors alleged to have caused or contributed a medical condition. Appellant did provide a narrative statement addressing the employment factors she believed contributed to her wrist condition. She noted that her job duties since March 2009 involved working with DBCS machines, with repetitive motion in loading and sweeping.

It is not clear what findings OWCP made in the January 19, 2012 decision with respect to appellant's factual statement. It noted requesting that she respond to a questionnaire regarding employment factors, but the November 9, 2011 letter sent to her did not request additional factual evidence. The January 19, 2012 decision also referred to the evidence not being sufficient to establish that the event occurred as alleged and, in the next sentence, referred to accepted work events.

The Board finds that appellant provided a detailed factual statement identifying those employment factors she believed contributed to her wrist condition. In the absence of any contrary evidence that she did not perform the duties as alleged, the factual element of the claim has been established. An employee's statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong and persuasive evidence.⁸

The issue is whether the medical evidence is sufficient to establish a diagnosed condition causally related to the identified employment factors. To establish causal relationship, the medical evidence must be based on a complete factual and medical background and must explain the nature of the relationship between the diagnosed condition and the employment factors.

⁴ *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

⁵ *See Robert G. Morris*, 48 ECAB 238 (1996).

⁶ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁷ *Id.*

⁸ *Allen C. Hundley*, 53 ECAB 551, 552 (2002).

Dr. DePrang stated that he treated appellant on October 11, 2011. His report is not sufficient to establish the claim. Dr. DePrang did not provide a factual or medical background. He did not provide a full medical history or results on examination. Dr. DePrang referred to repetitive activities at a mail processing machine, without setting forth an understanding of what the specific activities entailed, how often they were performed or any other relevant factual history. Moreover, he did not explain the nature of the relationship between the diagnosed wrist tendinitis and the implicated employment factors. The Board notes that, with respect to the report from a physician's assistant, this is of no probative value since a physician's assistant is not considered a physician under FECA.⁹

On appeal, appellant submitted additional evidence and stated that she had been advised by her physician that the orthopedic surgeons letter was a comprehensive medical report showing an injury resulting from operating DBCS machines. The Board's review of her case is limited to the evidence that was before OWCP at the time of its final decision.¹⁰ The only medical evidence from a physician that was before OWCP at the time of the January 19, 2012 decision was the brief report from Dr. DePrang. The Board cannot consider new evidence on appeal.

Appellant also stated that all she was requesting was to be permanently removed from the DBCS machines. The Board's jurisdiction is to consider and decide appeals from final decisions of OWCP in any case arising under FECA.¹¹ It is appellant's burden of proof to establish her claim for compensation. She did not meet her burden in this case based on the evidence of record.

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 did not establish a wrist injury causally related to her federal employment.

⁹ *George H. Clark*, 56 ECAB 162 (2004).

¹⁰ 20 C.F.R. § 501.2(c)(1).

¹¹ *Id.* at § 501.2(c).

ORDER

IT IS HEREBY ORDERED THAT the January 19, 2012 decision of the Office of Workers' Compensation Programs is modified to reflect that appellant established the factual element of the claim and affirmed as modified.

Issued: September 25, 2012
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

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