



## **FACTUAL HISTORY**

Appellant, a 58-year-old mailhandler, filed a Form CA-2 claim for benefits on December 7, 2012, alleging that she sustained a torn ligament in her right wrist, a condition which she asserted was causally related to factors of her employment.

On December 28, 2012 OWCP advised appellant that it required additional factual and medical evidence to determine whether she was eligible for compensation benefits, including a comprehensive medical report with a diagnosis of her condition and an opinion as to whether her claimed condition was causally related to federal employment. OWCP requested that appellant submit the additional evidence within 30 days.

The record received a Form CA-17 report dated October 26, 2012, noting that appellant had sustained a fracture of her right toe; the form contained an illegible signature from a physician. Appellant did not submit any other evidence in support of her right wrist claim.

By decision dated February 4, 2013, OWCP denied the claim, finding that appellant failed to present medical evidence sufficient to establish that she sustained a right wrist condition in the performance of duty.

## **LEGAL PRECEDENT**

An occupational disease or illness means 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 a disease or condition for which compensation is claimed; (2) a factual statement identifying the 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 explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>4</sup>

The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference of causal relationship.<sup>5</sup>

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her condition was caused, precipitated or aggravated by her employment is

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<sup>3</sup> 20 C.F.R. § 10.5(q).

<sup>4</sup> *Solomon Polen*, 51 ECAB 341, 343-44 (2000).

<sup>5</sup> *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

sufficient to establish causal relationship.<sup>6</sup> Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence.

### **ANALYSIS**

In the instant case, appellant has failed to submit any medical opinion containing a rationalized, probative report which relates her claimed right wrist condition to factors of her employment. For this reason, she has not discharged her burden of proof to establish her claim that this condition was sustained in the performance of duty.

The only medical evidence appellant submitted was the October 26, 2012 Form CA-17 report which indicated that she had a fractured right toe. This document is not relevant to the present claim of right wrist injury.

Appellant did not submit a medical opinion from a physician which provided a diagnosis of appellant's right wrist condition, described her job duties or explained the medical process through which such duties would have been competent to cause the claimed condition.

Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence.

OWCP advised appellant of the evidence required to establish her claim; however, she failed to submit such evidence. Consequently, appellant has not established that her claimed right wrist condition was causally related to her employment.

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 has failed to meet her burden of proof to establish that her claimed right wrist condition was sustained in the performance of duty.

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<sup>6</sup> *Id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the February 4, 2013 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: September 4, 2013  
Washington, DC

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

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge  
Employees' Compensation Appeals Board