

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of RUDY A. PRESAS and DEPARTMENT OF THE AIR FORCE,  
KELLY AIR FORCE BASE, San Antonio, TX

*Docket No. 02-969; Submitted on the Record;  
Issued September 10, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,  
WILLIE T.C. THOMAS

The issue is whether appellant met his burden of proof to establish that he sustained kidney and liver conditions in the performance of duty.

On May 25, 2001 appellant, a 72-year-old maintenance worker, filed a claim for benefits, alleging that he sustained kidney and liver damage caused by factors of his federal employment. Appellant did not submit any medical or factual evidence in support of his claim.

In a letter to appellant dated October 12, 2001, the Office of Workers' Compensation Programs requested that he submit additional information in support of his claim, including a medical report and opinion from a physician, supported by medical reasons, describing the history of the alleged work incident and indicating how the reported work incident caused or aggravated the claimed conditions. The Office gave appellant 30 days to submit additional evidence. He submitted a Form SF-50, a statement from the employing establishment and several position descriptions from periods of his federal employment, but did not submit any medical evidence.

By decision dated January 22, 2002, the Office denied appellant's claim on the grounds that the evidence of record failed to establish that appellant sustained the claimed conditions in the performance of duty.

The Board finds that appellant has not met his burden of proof to establish that his alleged kidney and liver conditions were sustained in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing that 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

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

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.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<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 employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed, or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish causal relationship is usually rationalized medical evidence. Rationalized medical opinion evidence is medical evidence, which includes a physician's rationalized 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>4</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 his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.<sup>5</sup> Causal relationship must be established by rationalized medical opinion evidence.

In the present case, appellant did not submit any medical evidence in support of his claim for compensation based on his claimed kidney and liver conditions. The Office advised appellant of the type of evidence required to establish his claim, however, appellant failed to submit such evidence. He failed to submit a rationalized medical opinion relating the cause of the alleged conditions to factors of his federal employment.<sup>6</sup>

Accordingly, as appellant failed to submit any probative, rationalized medical evidence in support of a causal relationship between his claimed condition and factors or incidents of employment, the Office properly denied appellant's claim for compensation.

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<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>4</sup> *Id.*

<sup>5</sup> *See id.*

<sup>6</sup> *William C. Thomas*, 45 ECAB 591 (1994).

The January 22, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
September 10, 2002

Michael J. Walsh  
Chairman

Alec J. Koromilas  
Member

Willie T.C. Thomas  
Alternate Member