

**United States Department of Labor
Employees' Compensation Appeals Board**

RAUL A. CASTANEDA, Appellant

and

**U.S. POSTAL SERVICE, EMBARCADERO
POSTAL CENTER, San Francisco, CA,
Employer**

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**Docket No. 05-1530
Issued: October 13, 2005**

Appearances:
Raul A Castaneda, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
COLLEEN DUFFY KIKO, Judge
DAVID S. GERSON, Judge

JURISDICTION

On July 12, 2005 appellant filed a timely appeal of the Office of Workers' Compensation Programs' merit decision dated April 28, 2005 finding that he had not established an injury related to his federal duties. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met his burden of proof in establishing that he developed a hand condition due to factors of his federal employment.

FACTUAL HISTORY

On February 7, 2005 appellant, then a 62-year-old custodian, filed a traumatic injury claim alleging that in April 2004 he became aware that he had developed tingling and numbness in his hands due to his repetitive duties at the employing establishment.¹

In letter dated February 15, 2005, the Office requested additional factual and medical evidence from appellant and allowed him 30 days to respond.²

By decision dated April 28, 2005, the Office denied appellant's claim finding that he failed to submit any medical evidence documenting an injury.³

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act⁴ 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 is causally related to the employment injury. 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.⁵

An occupational disease is defined as a condition produced by the work environment over a period longer than a single workday or shift.⁶ 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 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

¹ Appellant lists his address as 4598 Mission Street, #A, San Francisco, California 94112.

² The Office mailed this developmental letter to appellant's address of record.

³ Following the Office's April 28, 2005 decision, appellant submitted additional new evidence and requested that the Office reopen his claim. The Office responded on June 23, 2005 and informed appellant that he should determine which appeal right he wished to follow. Appellant then filed this appeal to the Board. As the Office has not issued a final decision addressing the evidence submitted by appellant, the Board may not review this evidence for the first time on appeal. 20 C.F.R. § 501.2(c).

⁴ 5 U.S.C. §§ 8101-8193.

⁵ *Juanita Pitts*, 56 ECAB ____ (Docket No. 04-1527, issued October 28, 2004).

⁶ 20 C.F.R. § 10.5(q).

relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁷

ANALYSIS

In this case, appellant failed to meet his burden of proof to establish a *prima facie* claim that employment factors caused his hand condition. While appellant submitted a statement on his claim form of the employment duties 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 hand condition was caused or aggravated by the implicated factors.⁸

On February 15, 2005 the Office informed appellant of the evidence needed to support his claim, including medical evidence. The record before the Board contains no medical evidence whatsoever. The Board finds that appellant did not provide the factual and medical evidence required to establish a *prima facie* claim for compensation.⁹

CONCLUSION

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

⁷ *Solomon Polen*, 51 ECAB 341, 343-44 (2000).

⁸ *Donald W. Wenzel*, 56 ECAB ____ (Docket No. 05-146, issued March 17, 2005).

⁹ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the April 28, 2005 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 13, 2005
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board