

¹ The record on appeal contains evidence received after the Office issued the July 7, 2005 decision. The Board may not consider evidence that was not before the Office at the time it rendered its final decision. 20 C.F.R. § 501.2. Appellant may submit such evidence to the Office with a request for reconsideration. *See* 20 C.F.R. §§ 10.605, 10.606 and 10.607 (1999).

FACTUAL HISTORY

On March 2, 2005 appellant, a 51-year-old mail handler, filed an occupational disease claim for multiple medical conditions, including headaches, bilateral hearing loss, tinnitus, chronic obstructive pulmonary disease, shoulder arthralgia, carpal tunnel syndrome, torn right anterior cruciate ligament, costochondritis and various psychiatric disorders. Appellant also indicated that he had a positive purified protein derivative (PPD) test. He identified September 23, 2001, January 31, 2002 and February 8 and 22, 2003 as the dates he first became aware of his various illnesses.

The employing establishment indicated that appellant was on forced leave status since June 21, 2003 due to a nonemployment-related medical condition. It was also noted that appellant previously filed an emotional condition claim for job stress with a similar September 23, 2001 date of injury.

The Office received various medical records and progress notes from November 20, 1996, January 21, 1997, June 5, 1998 and April 21, 1999 for treatment of migraine headaches, situational anxiety, respiratory complaints and allergies.

In a letter dated November 13, 2001, Dr. Michael S. Marcin advised the employing establishment that appellant's current job situation was causing him anxiety, which was affecting his mental health. He recommended that appellant be granted two weeks of medical leave immediately.

Additional evidence received indicated that on February 13, 2003 the employing establishment placed appellant on off-duty status pending a psychiatric fitness-for-duty examination. Dr. Fiona Hill, a clinical neuropsychologist, evaluated appellant on April 2, 2003 and reported that he had a psychotic disorder characterized by paranoid delusions that were mainly focused on Marvin Rasheed, a manager at work. Dr. Hill recommended inpatient hospitalization. In an April 24, 2003 report, Dr. Michael A. Haberman, a Board-certified psychiatrist, reviewed Dr. Hill's findings and concurred with her diagnosis and recommendation. He indicated that appellant was not fit for duty.

On June 2, 2005 the Office requested that appellant submit additional evidence, including a detailed description of the employment activities he believed contributed to his various conditions. The Office also instructed appellant to submit comprehensive medical reports addressing the cause and extent of the various medical conditions claimed. The Office afforded appellant 30 days to submit the requested factual and medical information. Appellant did not respond within the allotted time frame.

On July 7, 2005 the Office issued a decision denying appellant's claim because he failed to establish that he sustained an injury in the performance of duty.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees' Compensation Act² 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

In an occupational disease claim, to establish that an injury was sustained in the performance of duty, 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 diagnosed condition is causally related to the employment factors identified by the claimant.⁴

ANALYSIS

Appellant's March 2, 2005 claim form identifies numerous psychiatric and orthopedic conditions as well as hearing loss and possible exposure to tuberculosis. He listed at least four different dates regarding when he became aware of his conditions. However, appellant did not identify specific dates for the various conditions nor did he explain the employment circumstances that allegedly gave rise to his claimed conditions. The medical evidence submitted referenced appellant's psychiatric condition, migraine headaches, respiratory complaints and allergies. But there was nothing to substantiate any of the claimed orthopedic conditions, positive PPD, hearing loss or tinnitus. On June 2, 2005 the Office advised appellant that the factual and medical evidence already submitted was insufficient to establish a claim for benefits. The Office afforded appellant 30 days to submit additional evidence, but he did not comply within the allotted time. In this case, appellant did not provide the required factual and medical evidence necessary to establish a *prima facie* claim for compensation benefits under the Act.⁵ The Office, therefore, properly denied his March 2, 2005 occupational disease claim.

² 5 U.S.C. § 8101 *et seq.*

³ 20 C.F.R. § 10.115(e), (f) (1999); *see Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996). Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence. *See Robert G. Morris*, 48 ECAB 238 (1996). 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. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). 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. *Id.*

⁴ *Victor J. Woodhams*, *supra* note 3.

⁵ *See Richard A. Weiss*, 47 ECAB 182 (1995).

CONCLUSION

The Board finds that appellant failed to establish that he sustained an injury in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the July 7, 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

Willie T.C. Thomas, Alternate Judge
Employees' Compensation Appeals Board