

On March 27, 2008 appellant, a 51-year-old housekeeping aid, filed an occupational disease claim (Form CA-2) for bursitis in his left arm. He became aware of his condition on January 15, 2008 and realized that it was caused or aggravated by his employment on January 23, 2008. Appellant asserted that repetitive manual mopping, sweeping, buffing floors

and operating a cart weighing 20 to 25 pounds in the performance of his federal employment caused his bursitis.

Appellant submitted no medical evidence in support of his claim and by letter dated March 31, 2008 the Office informed him of the type evidence necessary to substantiate his eligibility for benefits under the Federal Employees' Compensation Act.

Appellant submitted no additional evidence and by decision dated May 23, 2008 the Office denied his occupational disease claim.

LEGAL PRECEDENT

An employee seeking benefits under the Act¹ 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 are causally related to the employment injury.² 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.³

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 Board has held the fact that a condition manifests itself or worsens during a period of employment⁴ or that work activities produce symptoms revelatory of an underlying condition⁵ does not raise an inference of causal relationship between a claimed condition and employment factors.

As part of claimant's burden, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background showing causal relationship.⁶ The

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *E.A.*, 58 ECAB ____ (Docket No. 07-1145, issued September 7, 2007); *Albert C. Haygard*, 11 ECAB 393, 395 (1960).

⁵ *D.E.*, 58 ECAB ____ (Docket No. 07-27, issued April 6, 2007); *Fabian Nelson*, 12 ECAB 155, 157 (1960).

⁶ *G.T.*, 59 ECAB ____ (Docket No. 07-1345, issued April 11, 2008); *Nancy G. O'Meara*, 12 ECAB 67, 71 (1960).

weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of the analysis manifested and the medical rationale expressed in support of the physician's opinion.⁷

ANALYSIS

As the only evidence of record is appellant's occupational disease claim (Form CA-1), the Board finds that he has not met his burden of proof. The Board has held that appellant's self-diagnosed symptoms are not substantial, substantive evidence for purposes of the Act.⁸ Therefore, while appellant's factual statement is useful in identifying employment factors that allegedly caused or contributed to the presence or occurrence of the alleged disease or condition, it does not establish the required causal connection between the identified factors and his condition.

Appellant has the burden of establishing by reliable, probative and substantive evidence that the occurrence of a disabling condition for which he seeks compensation was causally related to his employment injury. As part of such burden of proof, rationalized medical evidence showing causal relation must be submitted.⁹

The Office advised appellant that it was his responsibility to provide a comprehensive medical report, which described his symptoms, test results, diagnosis, treatment and the physician's opinion, with medical reasons, on the cause of his condition. Appellant failed to submit appropriate medical documentation in response to the Office's request. As there is no probative rationalized medical evidence addressing how appellant's alleged injury was caused or aggravated by his employment, he has not met his burden of proof in establishing that he sustained an injury in the performance of duty causally related to factors of his federal employment.

CONCLUSION

The Board finds that the Office properly concluded that appellant had not established he sustained an injury in the performance of duty.

⁷ *Jennifer Atkerson*, 55 ECAB 317, 319 (2004); *Naomi A. Lilly*, 10 ECAB 560, 573 (1959).

⁸ *Edgar G. Maiscott*, 4 ECAB 558 (1952) (holding appellant's subjective symptoms do not, in the opinion of the Board, constitute evidence of a sufficiently substantial nature).

⁹ *Henry L. Kent*, 34 ECAB 361 (1982).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated May 23, 2008 is affirmed.

Issued: April 15, 2009
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board