

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

P.K., Appellant	)	
	)	
and	)	<b>Docket No. 13-566</b>
	)	<b>Issued: May 20, 2013</b>
<b>DEPARTMENT OF AGRICULTURE, FOREST SERVICE, Albuquerque, NM, Employer</b>	)	
	)	

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
RICHARD J. DASCHBACH, Chief Judge  
ALEC J. KOROMILAS, Alternate Judge  
MICHAEL E. GROOM, Alternate Judge

**JURISDICTION**

On January 10, 2013 appellant filed a timely appeal of a November 1, 2012 Office of Workers' Compensation Programs' (OWCP) merit decision denying his occupational disease claim. Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to consider the merits of the case.

**ISSUE**

The issue is whether appellant met his burden of proof to establish that he developed genitourinary disease due to factors of his federal employment.

**FACTUAL HISTORY**

On September 11, 2012 appellant, then a 27-year-old forestry technician, filed an occupational disease claim alleging that he developed genitourinary illness due to field work in extreme environmental conditions and varying nutritional food and fluid intakes. He first became aware of his condition and attributed it to his employment on August 15, 2012.

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

Appellant submitted a narrative statement dated August 20, 2012 alleging that on August 15, 2012, while on fire assignment, he noted pain on urination and blood coming from his urethra. He sought medical treatment and was diagnosed with a possible kidney stone. Appellant submitted a September 11, 2012 emergency room record from a nurse with a diagnosis of hematuria or blood in the urine.

In a letter dated September 14, 2012, OWCP requested additional factual and medical evidence. On September 26, 2012 appellant responded that he was on a 13-day fire assignment with access to varied water supplies and wide variety in diet. He alleged that his water supply was sub-par for 7 to 10 days. Appellant submitted additional emergency room records dated August 15, 2012 with an illegible physician signature noting that he reported painful urination with blood and described the pain as a sting.

By decision dated November 1, 2012, OWCP denied appellant's claim finding that he had not submitted sufficient medical evidence to establish a causal relationship between his hematuria condition and his employment duties.

### **LEGAL PRECEDENT**

OWCP's regulations define an occupational disease as "a condition produced by the work environment over a period longer than a single workday or shift."<sup>2</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 evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.<sup>3</sup>

### **ANALYSIS**

Appellant alleged that he experienced painful urination with blood while on fire duty in August 2012. He attributed his condition to a varied water and food supply while fighting a wildfire while in the performance of duty. OWCP accepted the diagnosis hematuria or blood in the urine and accepted that the employment duties occurred as alleged. OWCP found that appellant did not submit sufficient medical evidence to establish a causal relationship between his diagnosed condition and his accepted employment duties.

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<sup>2</sup> 20 C.F.R. § 10.5(q).

<sup>3</sup> *Lourdes Harris*, 45 ECAB 545, 547 (1994).

The only medical evidence in the record is an emergency room note dated August 15, 2012. It was signed by a physician whose signature is illegible. The note does not contain any history of injury or address the causal relations of appellant's genitourinary disease and his employment duties. Without detailed medical opinion evidence providing a history of injury as implicated by appellant and offering a reasoned medical opinion explaining how his employment duties caused or contributed to the diagnosed condition, appellant has failed to meet his burden of proof.

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 failed to submit the necessary medical opinion evidence to establish his claim for an occupational disease.

**ORDER**

**IT IS HEREBY ORDERED THAT** the November 1, 2012 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 20, 2013  
Washington, DC

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

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

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board