

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARGARET A. WILLIAMS and DEPARTMENT OF TREASURY,
BUREAU OF ENGRAVING & PRINTING, Washington, D.C.

*Docket No. 96-493; Submitted on the Record;
Issued January 6, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof to establish that she developed blood clots in her fingers causally related to factors of her federal employment.

The Board has duly reviewed the case record and finds that appellant did not meet her burden of proof to establish that she developed blood clots in her fingers causally related to factors of her federal employment.

Appellant filed a claim on January 25, 1995 attributing blood clots in three of the fingers on her right hand to factors of her federal employment. In a statement accompanying her claim, appellant related that on January 3, 1994, while working on the shrink wrap, her fingers became infected and started peeling. Appellant related that in April 1994, she sustained a paper cut on her fingers, and that in the same week her arm began hurting and her fingers turned dark and swelled.

In support of her claim, appellant submitted a duty status report (Form CA-17) from Dr. Nevelle. The supervisor's portion of the form lists the history of injury as a right upper extremity embolism with subsequent circulatory impairment to the right hand. Dr. Nevelle checked "yes" that the history given by appellant corresponded to that provided by the employing establishment. Dr. Nevelle further checked "yes" that appellant could perform her usual employment.

In a statement received by the Office of Workers' Compensation Programs on July 14, 1995, appellant's supervisor agreed with appellant's description of her injury and related that she was off work from September 5, 1994 to January 23, 1995, at which time she returned to light-duty employment.

The Office requested additional factual and medical information from appellant on June 17, 1995. Appellant resubmitted her January 25, 1995 statement.

By letter dated August 4, 1995, the Office again informed appellant that, within 20 days, she needed to submit a comprehensive medical report discussing how factors of her federal employment caused an injury to her right hand.

Appellant did not respond to the Office's request.

By decision dated August 25, 1995, the Office denied appellant's claim on the grounds that she did not establish fact of injury. In the accompanying memorandum to the Director, incorporated by reference, the Office accepted that the claimed incident or exposure occurred in the time, place and manner alleged but found that the medical evidence was insufficient to establish a medical condition resulting from the incident or exposure.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim, including that fact 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

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 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 claimant.³ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.⁴ 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,⁵ must be one of reasonable medical certainty,⁶ 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.⁷ The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Jerry D. Osterman*, 46 ECAB ____ (Docket No. 93-1777, issued February 2, 1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁴ The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may be dispensed with to establish a claim; *see Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not a case of obvious causal connection.

⁵ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁶ *See Morris Scanlon*, 11 ECAB 384-85 (1960).

⁷ *See William E. Enright*, 31 ECAB 426, 430 (1980).

Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁸

In support of her claim, appellant submitted a report from Dr. Nevelle dated January 25, 1996, in which he found that appellant could return to her regular employment. Dr. Nevelle checked “yes” that appellant related a history of a right upper extremity embolism and a subsequent circulatory impairment of the right hand. Dr. Nevelle, however did not render a diagnosis or discuss how factors of appellant’s federal employment caused or aggravated any condition or injury, and thus his opinion is insufficient to meet appellant’s burden of proof.

An award of compensation may not be based upon surmise, conjecture or speculation or upon appellant’s belief that there is a causal relationship between his condition and his employment.⁹ To establish causal relationship, appellant must submit a physician’s report in which the physician reviews that factors of employment identified by appellant as causing his condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant’s medical history, state whether these employment factors caused or aggravated appellant’s diagnosed condition.¹⁰ Appellant failed to submit such evidence and therefore failed to discharge her burden of proof.

The decision of the Office of Workers’ Compensation Programs dated August 25, 1995 is hereby affirmed.

Dated, Washington, D.C.
January 6, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

A. Peter Kanjorski
Alternate Member

⁸ *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁹ *William S. Wright*, 45 ECAB 498 (1993).

¹⁰ *Id.*