

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of STACY H. FRANKLIN and DEPARTMENT OF THE NAVY,
MILITARY SEALIFT COMMAND, Bayonne, N.J.

*Docket No. 97-724; Submitted on the Record;
Issued January 12, 1999*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that he sustained a hypertension condition in the performance of duty.

The Board finds that appellant did not meet his burden of proof to establish that he sustained a hypertension condition in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation 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 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

¹ 5 U.S.C. §§ 8101-8193.

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

³ *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. 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.⁴

In the present case, appellant filed an occupational disease claim (Form CA-2) on June 29, 1995 alleging that he sustained employment-related hypertension. In the portion of the Form CA-2 requesting an explanation of the relationship between the claimed condition and employment factors, appellant stated, "Stress (hypertension caused by stress)." By letters dated July 31, 1995 and February 13, 1996, the Office of Workers' Compensation Programs requested that appellant specifically describe the employment factors which he felt caused or aggravated his claimed condition. By decision dated March 8, 1996, the Office denied appellant's claim on the grounds that he did not establish the factual aspect of his claim, *i.e.*, he did not adequately identify the employment factors which he believed were related to his claimed condition.⁵ In an undated letter received by the Office on March 13, 1996, appellant alleged that he sustained hypertension due to stress at work from "heavy lifting, painting, climbing associated with height, meeting a deadline and being confined in a closed hole (cold storage) inside a ship." Appellant also indicated that sometimes he was not given enough time to meet a deadline, that no "dietary foods" were available and that he worked in "unconditionally bad weather." By decision dated May 3, 1996, the Office denied modification of its March 8, 1996 decision.

The Board notes that appellant did not meet his burden of proof to establish that he sustained a hypertension condition in the performance of duty because he did not submit an adequate factual statement identifying employment factors alleged to have caused or contributed to the claimed condition. Appellant's statements regarding the cause of his claimed condition are vague and nonspecific. For example, appellant did not identify the type of physical activities he performed while painting and how often they were performed; the weights he lifted or how often and long he lifted them; the heights to which he climbed and how often he engaged in such climbing; the nature and degree of the adverse weather or environmental conditions to which he was exposed and how often he was exposed to such conditions; or the nature and frequency of the deadlines which he had to meet. Despite the Office's requests for additional factual evidence, appellant did not meet his burden of proof to establish the existence of any specific employment factor which he believed was related to his claimed condition. Because appellant did not establish the existence of any employment factor, it is not necessary for the Board to consider whether the medical evidence of record shows a causal relationship between this claimed condition and any employment factor.

The decisions of the Office of Workers' Compensation Programs dated May 3 and March 8, 1996 are affirmed.

⁴ *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

⁵ The Office did not receive any additional factual evidence within the time periods allotted by its requests for information.

Dated, Washington, D.C.
January 12, 1999

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member