

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EDWARD J. KANE and U.S. POSTAL SERVICE,
Rochester, MN

*Docket No. 98-1052; Submitted on the Record;
Issued November 4, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant has established that he sustained a skin condition in the performance of duty causally related to factors of his federal employment.

On October 28, 1997 appellant, then a 56-year-old window clerk, filed a claim alleging that on October 2, 1997 he first became aware that he sustained contact dermatitis on his hands causally related to contact with various toxic chemicals in stamp pad ink, printer ribbon and glue. The employing establishment controverted appellant's claim noting that he had failed to submit medical documentation in support of his claim.

By letter dated November 24, 1997, the Office of Workers' Compensation Programs advised appellant that further information was needed on the nature of his alleged exposures, the development of his condition, his medical history, a comprehensive medical report addressing causal relation, the trade and generic names, the manufacturers and ingredients of chemicals to which he alleged exposure.

On December 19, 1997 appellant advised the Office that the containers, shipping boxes and packaging for ink and printer ribbons did not contain trade or generic names nor manufacturer names on any of the products he used. Further he noted that there were no ingredients listed on any of the packages. He stated that Dr. Lisa Meils diagnosed his condition as the result of chemical burns resulting from work-related exposure. Appellant also noted that his condition began several months prior and that at the recommendation of Dr. Meils appellant began wearing gloves at work.

By decision dated January 15, 1998, the Office rejected appellant's claim finding that he had failed to establish fact of injury. The Office found that appellant "experienced the claimed employment factor," but that the evidence did not establish that a medical condition had been diagnosed as a result of the employment factor.

The Board finds that appellant has failed to establish that he sustained a skin condition in the performance of duty causally related to factors of his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act 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. These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.¹

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 the claimant.² The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical 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, must be one of reasonable medical certainty, 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.³ Merely because a condition manifests itself or worsens during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease or condition became apparent during the period of employment nor the belief of appellant that the disease was caused or aggravated by employment conditions is sufficient to establish causal relation.⁴

In the present case, appellant alleged that he sustained contact dermatitis as a result of exposure to chemicals used in various inks and glues. However, he failed to submit any factual evidence documenting the presence of toxic chemicals at work nor did he submit any medical evidence diagnosing contact dermatitis or addressing whether appellant's condition was causally related to factors of his federal employment.

¹ *Ruthie M. Evans*, 41 ECAB 416 (1990); *Joe D. Cameron*, 41 ECAB 153 (1989).

² *Victor J. Woodhams*, 41 ECAB 345 (1989).

³ *Id.*

⁴ *See Birger Areskog*, 30 ECAB 571 (1979).

Appellant claimed that Dr. Meils stated that his condition was the result of chemical burn resulting from exposure to work-related chemicals but he failed to submit any report from Dr. Meils supporting such a contention.

As no medical evidence identifying the cause of appellant's contact dermatitis was submitted, he has failed to meet the first requirement to establish the presence or existence of the disease for which compensation is claimed in an occupational disease claim.

As appellant has failed to establish fact of injury in this occupational disease case, he has failed to meet his burden of proof to establish the essential elements of his claim.

Accordingly, the decision of the Office of Workers' Compensation Programs dated January 15, 1998 is hereby affirmed.⁵

Dated, Washington, D.C.
November 4, 1999

George E. Rivers
Member

David S. Gerson
Member

Michael E. Groom
Alternate Member

⁵ The Board notes that subsequent to the Office's January 15, 1998 decision, appellant submitted additional evidence. The Board has no jurisdiction to review this evidence for the first time on appeal. 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35 (1952).