

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BEN MACK and DEFENSE LOGISTICS AGENCY,
DEFENSE REUTILIZATION & MARKETING SERVICE,
MOODY AIR FORCE BASE, GA

*Docket No. 99-2084; Submitted on the Record;
Issued September 5, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's request for corrective lenses.

On October 4, 1993 appellant, then a 53-year-old materiel examiner and identifier, filed a traumatic injury alleging that he sustained numerous injuries when a bomb exploded in his face in the performance of duty. After a period of medical and factual development, the Office accepted appellant's claim for powder burns of the arms, face and eyes, and laceration of the right arm. In a decision dated August 19, 1997, the Office awarded appellant a schedule award for a 42 percent permanent impairment of the left upper extremity.¹ In a decision dated December 8, 1998, the Office granted appellant a schedule award for a five percent permanent impairment of the right eye and a ten percent permanent impairment of the left eye.

By letter dated August 6, 1998, appellant, through counsel, submitted numerous medical reports from appellant's treating physician, Dr. Donald J. Mirate, a Board-certified ophthalmologist at the Mirate Eye Center, pertaining to the diagnosis and treatment of appellant's eyes. Included with these documents were two bills from the Mirate Eye Center for corrective lenses.

¹ At the request of the Office, on July 23, 1996 appellant's upper extremities were examined by Dr. William L. Hornback, a second opinion physician, for the purpose of determining appellant's entitlement, if any, to a schedule award. Subsequently, on March 26, 1997 the Office requested that an Office medical examiner review Dr. Hornback's report and offer an opinion, pursuant to the American Medical Association, *Guides to the Evaluation of Permanent Impairment*, as to what degree of permanent impairment, if any, appellant had. In his report, the Office medical examiner opined that appellant had a 49 percent permanent impairment of the right upper extremity and a 42 percent permanent impairment of the left upper extremity. However, the Office has yet to issue a final determination with respect to whether appellant has any permanent impairment of his right upper extremity for which he is entitled to a schedule award.

In a decision dated March 24, 1999, the Office denied appellant's request for corrective lenses on the grounds that the medical evidence of record establishes that appellant's need for corrective lenses is not causally related to his accepted employment injuries.

The Board finds that appellant is not entitled to corrective lenses in connection with his employment-related conditions.

Section 8103(a) of the Federal Employees' Compensation Act states in pertinent part: "The United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances and supplies prescribed or recommended by a qualified physician, which the Secretary of Labor considers likely to cure, give relief, reduce the degree or the period of disability or aid in lessening the amount of the monthly compensation."² In order to be entitled to reimbursement of medical expenses, appellant has the burden of establishing that the expenditures were incurred for treatment of the effects of an employment-related injury or condition.³ Proof of causal relationship in a case such as this must include supporting rationalized medical evidence.⁴

The record does not contain medical evidence establishing that appellant is entitled to corrective lenses. In his January 10, 1999 report, Dr. Mirate, appellant's treating physician, stated that appellant "will require corrective lenses due to his age and not due to injury." Similarly, in a report dated December 23, 1998, Dr. Ben H. Moye, a Board-certified ophthalmologist and Office second opinion physician, stated: "It is my opinion that [appellant's] decrease in uncorrected vision is a result of the loss of the ability to accommodate which occurs with the aging process and is not due to his accident in 1993." As both Drs. Mirate and Moye stated that appellant's need for corrective lenses is due to his age and not due to his 1993 employment injury and as the record contains no contradictory evidence, the Office properly denied appellant's request for corrective lenses.

² 5 U.S.C. § 8103.

³ *Bertha L. Arnold*, 38 ECAB 282, 284 (1986).

⁴ *Zane H. Cassell*, 32 ECAB 1537, 1540-41 (1981); *John E. Benton*, 15 ECAB 48, 49 (1963).

The decision of the Office of Workers' Compensation Programs dated March 24, 1999 is affirmed.⁵

Dated, Washington, D.C.
September 5, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Member

⁵ The Board notes that on appeal, appellant, through counsel, specifically appealed only the Office's March 24, 1999 decision denying appellant's request for corrective lenses and did not appeal the Office's December 8, 1998, decision, also within the Board's jurisdiction, in which the Office granted appellant a schedule award for a five percent permanent impairment of the right eye and a ten percent permanent impairment of the left eye.