

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RANDALL J. BALES and DEPARTMENT OF THE NAVY,
MARINE CORPS LOGISTICS BASE, Barstow, CA

*Docket No. 01-1107; Submitted on the Record;
Issued December 11, 2001*

DECISION and ORDER

Before BRADLEY T. KNOTT, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an injury while in the performance of duty.

The Board has reviewed the case record and finds that appellant has failed to establish that he sustained an injury in the performance of duty.

On December 16, 2000 appellant, then a 44-year-old electronics mechanic, filed for an occupational disease claim alleging that on February 20, 2000 he first realized that the burning sensation and tingling in both of his wrists were caused by repetitive motion. Appellant stated that his duties involving the repair of the driver's display module subjected him to repetitive motion on a daily basis at least 7 hours a day, 5 to 6 days a week for the past 10 years. Appellant's claim was accompanied by factual evidence.

By letter dated December 21, 2000, the Office of Workers' Compensation Programs advised appellant to submit additional factual and medical evidence supportive of his claim.

By decision dated February 23, 2001, the Office found the evidence of record sufficient to establish that appellant actually experienced the claimed employment factor, but insufficient to establish that he sustained a condition causally related to the employment factor.

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 medical evidence required to establish causal relationship, generally, 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. 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.¹

In this case, appellant failed to submit any medical evidence supportive of his occupational disease claim prior to the Office's February 23, 2001 decision. Thus, appellant has failed to satisfy his burden of proof.²

The February 23, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
December 11, 2001

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member

¹ *Victor J. Woodhams*, 41 ECAB 345 (1989).

² The Board notes that, subsequent to the Office's February 23, 2001 decision, the Office received factual and medical evidence on April 2, 2001. The Board, however, cannot consider evidence that was not before the Office at the time of the final decision. See *Dennis E. Maddy*, 47 ECAB 259 (1995); *James C. Campbell*, 5 ECAB 35 (1952); 20 C.F.R. § 501.2(c)(1). Appellant may resubmit this evidence and legal contentions to the Office accompanied by a request for reconsideration pursuant to 5 U.S.C. § 8128(a). 20 C.F.R. § 501.2(c).