

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SHANA Y. JONES and DEPARTMENT OF COMMERCE,
BUREAU OF CENSUS, Dallas, TX

*Docket No. 00-991; Submitted on the Record;
Issued January 22, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant has met her burden of proof to establish that she sustained an injury in the performance of duty on February 1, 1999.

On April 22, 1999 appellant, then a 27-year-old personnel clerk, filed a Form CA-2 with the Office of Workers' Compensation Programs, alleging that, on or about February 1, 1999, she became aware of an aching in both arms "from the wrist an[d] above," with the pain being worse in the right arm.

By letter dated May 13, 1999, the Office requested additional information from appellant, including a comprehensive medical report from appellant's treating physician with an opinion on the cause of appellant's condition and an explanation of how exposure or incidents in appellant's employment contributed to her condition. She was given approximately 30 days to respond. In a second letter of that date, the Office requested that the employing establishment furnish information regarding appellant's claim and her job duties. Neither appellant nor the employing establishment responded to the Office's request.

In a decision dated June 29, 1999, the Office denied appellant's claim on the grounds that she did not establish that she sustained an injury due to the claimed employment factor. The Office noted that appellant did not submit any medical evidence or diagnostic tests.

The Board finds that appellant did not meet her burden of proof to establish that she sustained an injury in the performance of duty on February 1, 1999.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim² including the fact that the

¹ 5 U.S.C. §§ 8101-8193.

² See *Daniel R. Hickman*, 34 ECAB 1220 (1983); see also 20 C.F.R. § 10.115.

individual is an “employee of the United States” within the meaning of the Act,³ that the claim was timely filed within the applicable time limitation period of the Act,⁴ 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.⁵ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

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.⁷

Causal relationship is a medical issue⁸ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence that 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.⁹ Moreover, the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹⁰

In this case, appellant did not submit any medical evidence in support of her claim based on a complete history explaining how and why her federal employment caused her claimed condition. Consequently, she has not met her burden of proof.

³ See *James A. Lynch*, 32 ECAB 2116 (1980); see also 5 U.S.C. § 8101(1).

⁴ 5 U.S.C. § 8122.

⁵ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁶ *Delores C. Ellyett*, 41 ECAB 922 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ *Victor J. Woodhams*, *supra* note 6.

⁸ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁹ *Joe L. Wilkerson*, 47 ECAB 604 (1996); *Alberta S. Williamson*, 47 ECAB 569 (1996); *Kurt R. Ellis*, 47 ECAB 505 (1996); *Thomas L. Hogan*, 47 ECAB 323 (1996); *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, *supra* note 6.

¹⁰ *Minnie L. Bryson*, 44 ECAB 713 (1995); *Froilan Negron Marrero*, 33 ECAB 796 (1982).

The decision of the Office of Workers' Compensation Programs dated June 29, 1999 is affirmed.

Dated, Washington, DC
January 22, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member