

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DEBBIE R. TIPLER and U.S. POSTAL SERVICE,
POST OFFICE, Grandview, MO

*Docket No. 00-1209; Submitted on the Record;
Issued May 1, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has established that she sustained dermatitis causally related to factors of her employment.

On February 18, 1999 appellant, then a 40-year-old distribution clerk, filed an occupational disease claim alleging that the dermatitis on her hands was causally related to her employment. She indicated that she first became aware of the condition in November 1998. Appellant explained: "As a clerk I wore cloth gloves from April 1998 until Grandview management told me to wear rubber gloves in the latter part of 1998. Later I was told not to wear any gloves at all. The rash developed, I got paper cuts and my fingers cracked and were sore."

By letter dated March 10, 1999, the Office of Workers' Compensation Programs advised appellant and the employing establishment that the information submitted was not sufficient to establish that appellant sustained an injury as alleged. The Office provided appellant and the employing establishment with a detailed list of evidence needed and questions to be answered.

On March 17, 1999 the employing establishment submitted a narrative background report of appellant's work history. Incidents of harassment alleged by appellant were also documented and addressed by the employing establishment. Attached was a report from Deborah Prior, who noted that appellant complained of a slightly itchy rash on her hands, which appellant believed was caused by wearing rubber gloves at work.

By decision dated May 14, 1999, the Office denied appellant's claim, finding that she failed to establish that her dermatitis was causally related to work factors.

In a letter dated June 7, 1999, appellant requested a review of the written record. She stated that in October 1998 she was working the box mail section and advised the postmaster that she was wearing gloves to protect her hand from cuts, cracking and soreness. Appellant noted that in November 1998 she was instructed to wear rubber gloves but later heard that these would

“mess up my hands.” In December 1998 her hands broke out after she was instructed not to wear any gloves and sought medical treatment. She was assured that “I [a]m not latex aller[g]ic but I have dermatitis.”

In a decision dated August 20, 1999, the hearing representative affirmed the May 14, 1999 Office decision.

The Board finds that appellant has not established an injury 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 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 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. 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.⁴

In this case, appellant submitted a medical report from Dr. Phyllis Sullivan, an osteopath, who diagnosed dermatitis on January 25, 1999. The record also contains several return-to-work notes suggesting that appellant be allowed to wear cotton gloves at work to avoid paper cuts and

¹ 5 U.S.C. § 8101 *et seq.*

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

³ *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990).

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

to help prevent potential outbreaks of dermatitis. Dr. Sullivan did not, however, support her diagnosis of dermatitis with any findings.

Further, while appellant alleged periods during which she wore cloth gloves, latex gloves or no gloves, she never described the job duties and contacts that could have caused dermatitis. Appellant is not alleging that wearing gloves alone caused her condition, as she stated that she was not wearing gloves when the condition occurred.

Finally, for the diagnosed condition to be covered under the Act, the evidence must demonstrate that the essential element of causal relationship has been met. The question of causal relationship is a medical issue, which usually requires a reasoned medical opinion for resolution. Causal relationship may be established by means of direct causation, aggravation, acceleration or precipitation. None of the evidence submitted offered any medical rationale to explain how specific employment factors caused or contributed to the diagnosed condition. Dr. Sullivan was the only physician of record who diagnosed dermatitis and her medical report offered no medical rationale relating this diagnosis to appellant's employment factors. While Dr. Sullivan did recommend that appellant wear gloves to prevent future problems, fear of future injury does not establish causal relationship.⁵

The August 20 and May 14, 1999 decisions of the Office of Workers' Compensation Programs are affirmed.

Dated, Washington, DC
May 1, 2001

Michael J. Walsh
Chairman

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member

⁵ See *James B. Christenson*, 47 ECAB 775 (1996).