

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DEAN C. FINK and DEFENSE LOGISTICS AGENCY,
DEFENSE DISTRIBUTION DEPOT, New Cumberland, PA

*Docket No. 00-1822; Submitted on the Record;
Issued May 25, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

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

On November 22, 1999 appellant, then a 50-year-old distribution facilities manager, filed a claim asserting that he developed Gulf War Illness while serving as part of an advanced group of U.S. Army civilians in Saudi Arabia from September 13 through November 15, 1990.

On February 16, 2000 the Office of Workers' Compensation Programs requested that appellant submit additional information to support his claim. The Office requested that appellant submit a comprehensive medical report from his treating physician describing his symptoms, the results of examinations and tests, his diagnosis and treatment. The Office explained that this medical report must also provide the doctor's opinion, with medical reasons, on the cause of appellant's condition. Specifically, if the doctor felt that exposure or incidents in federal employment contributed to appellant's condition, the doctor should provide an explanation of how such exposure contributed thereto. The Office requested that appellant provide this information within 30 days.

Having received no medical opinion evidence, the Office issued a decision on March 23, 2000 denying appellant's claim for compensation. The Office found that the evidence of record supported that appellant actually experienced the claimed employment factor but that the evidence failed to establish a diagnosed medical condition in connection with this.

The Board finds that appellant has not met his burden of proof to establish that he sustained an injury while in the performance of his duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of his claim. When an employee claims that

¹ 5 U.S.C. §§ 8101-8193.

he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.²

The Office accepted that appellant “actually experienced the claimed employment factor” but denied appellant’s claim because the evidence failed to establish that such exposure or factor caused a diagnosed medical condition.

Causal relationship is a medical issue,³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician’s rationalized opinion on whether there is a causal relationship between the claimant’s diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁴ must be one of reasonable medical certainty,⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁶

The record contains no medical opinion explaining how the accepted exposure or employment factor caused or contributed to a diagnosed medical condition.⁷ A sound, well-reasoned medical explanation is necessary in this case to establish the critical element of causal relationship. Without such evidence, appellant has not made a *prima facie* claim for compensation.

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); see also 5 U.S.C. § 8101(5) (“injury” defined); 20 C.F.R. §§ 10.5(a)(15)-.5(a)(16) (“traumatic injury” and “occupational disease or illness” defined).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ See *William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ The Board’s jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). The Board therefore has no jurisdiction to review new medical evidence submitted to the Board on appeal.

The March 23, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
May 25, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member