

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BARBARA EDDLEMAN and DEPARTMENT OF THE AIR FORCE,
EIELSON AIR FORCE BASE, AK

*Docket No. 00-2062; Submitted on the Record;
Issued May 15, 2001*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant met her burden of proof in establishing that she sustained an injury in the performance of duty.

On August 16, 1999 appellant, then a 53-year-old library technician, filed an occupational disease claim alleging that she sustained extensive pain and inflammation in her arms, shoulders and back causally related to employment factors. She indicated that her work duties involved continual bending and use of her arm, neck and shoulder for reaching and handling library materials. Appellant stated that she first became aware of her condition and realized that her condition was caused or aggravated by her employment on December 29, 1998. Appellant did not stop work.

By letters dated September 27, 1999, the Office of Workers' Compensation Programs advised appellant and the employing establishment that additional information was needed in order to make a determination on the claim. The requested information was not received within the allotted time frame.

By decision dated November 19, 1999, the Office denied appellant's claim on the grounds that the evidence of record was insufficient to establish that her condition was caused by the alleged employment factors, as required by the Federal Employees' Compensation Act.

The Board has duly reviewed the case record in the present appeal and finds that appellant failed to meet her burden of proof in establishing that she sustained an injury in the performance of duty.

An employee seeking benefits under the 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

¹ 5 U.S.C. §§ 8101-8193.

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 essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

There is no dispute that appellant is a federal employee, that she timely filed her claim for compensation benefits, and that the workplace incidents or exposure occurred as alleged. However, the medical evidence is insufficient to establish that appellant sustained an injury in the performance of duty.⁴

In support of her claim, appellant submitted clinical records from a physician’s assistant dated from October 27, 1997 through May 13, 1999, which reported that appellant was diagnosed with right wrist scaphotrapezoid arthritis and right arm and shoulder pain for which she received treatment. These records are not probative on the issue of causal relationship as a physician’s assistant is not a “physician” as defined under the Act and thus cannot render a medical opinion.⁵

The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁶ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁷ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant’s responsibility to submit. As appellant has not submitted such evidence, she has not met her burden of proof in establishing her claim.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ Part of a claimant’s burden of proof includes the submission of rationalized medical evidence based upon a complete factual and medical background showing causal relationship between the claimed injury and employment factors; see *Mary J. Briggs*, 37 ECAB 578 (1986); *Joseph T. Gulla*, 36 ECAB 516 (1985).

⁵ See 5 U.S.C. § 8101(2); *Lyle E. Dayberry*, 49 ECAB 369 (1998).

⁶ See *Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁷ *Id.*

The decision of the Office of Workers' Compensation Programs dated November 19, 1999 is affirmed.

Dated, Washington, DC
May 15, 2001

David S. Gerson
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member