

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHNNA M. HILL and DEPARTMENT OF AGRICULTURE,
FOOD SERVICE INSPECTION SERVICE, Albany, KY

*Docket No. 02-418; Submitted on the Record;
Issued December 11, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
DAVID S. GERSON

The issue is whether appellant met her burden of proof to establish that she sustained an E. coli condition in the performance of duty.

On August 19, 2001 appellant, a 34-year-old poultry inspector, filed a claim for benefits, alleging that she became sick to her stomach on May 19, 2001 and was treated for an E. coli condition by her doctor. Appellant stated that she believed this condition was caused by factors of her federal employment. Appellant did not submit any medical or factual evidence in support of her claim.

By decision dated October 15, 2001, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the evidence of record failed to establish that appellant sustained the claimed conditions in the performance of duty.

The Board finds that appellant has not met her burden of proof to establish that her alleged E. coli condition was sustained in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that 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

¹ 5 U.S.C. §§ 8101-8193.

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

essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an 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 causal relationship is usually rationalized medical 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

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship.⁵ Causal relationship must be established by rationalized medical opinion evidence.

In the present case, appellant did not submit any medical evidence in support of her claim for compensation based on her claimed E. coli condition. Appellant failed to submit a rationalized medical opinion relating the cause of the alleged conditions to factors of her federal employment.⁶

Accordingly, as appellant failed to submit any probative, rationalized medical evidence in support of a causal relationship between her claimed condition and factors or incidents of employment, the Office properly denied appellant's claim for compensation.

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

⁴ *Id.*

⁵ *See id.*

⁶ *William C. Thomas*, 45 ECAB 591 (1994).

The decision of the Office of Workers' Compensation Programs dated October 15, 2001 is hereby affirmed.

Dated, Washington, DC
December 11, 2002

Alec J. Koromilas
Member

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member