

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of AURELIA BARRON and DEPARTMENT OF JUSTICE,  
IMMIGRATION & NATURALIZATION SERVICE, Los Angeles, CA

*Docket No. 01-1386; Submitted on the Record;  
Issued January 7, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an injury to her hands while in the performance of duty.

The Board finds that appellant did not meet her burden of proof to establish that she sustained an injury to her hands in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of 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.<sup>2</sup> These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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.

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence.<sup>4</sup>

On November 8, 2000 appellant, then a 52-year-old deportation assistant, filed an occupational disease claim alleging that she sustained osteoarthritis of both hands due to performing work duties which included extensive typing and other clerical tasks.<sup>5</sup> Appellant stopped work on October 20, 2000. By decision dated April 5, 2001, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that she did not submit sufficient evidence to establish that she sustained an injury to her hands in the performance of duty.

The Board finds that appellant did not submit sufficient evidence to establish that she sustained an injury to her hands in the performance of duty. In support of her claim, appellant submitted a November 19, 2000 report in which Dr. Kelvin G. Lee, an attending physician specializing in allergy and immunology, indicated that she had severe osteoarthritis of the fingers and recommended that she engage in light-duty work for two months.<sup>6</sup> Appellant also submitted an October 24, 2000 report in which Dr. Shi-Yin Wong, an attending physician specializing in general practice, noted that she had severe osteoarthritis of both hands and was incapable of working until at least October 30, 2000.

These reports, however, are of limited probative value on the relevant issue in this case because they do not contain an indication that appellant sustained a work injury or an opinion on the cause of appellant's hand condition.<sup>7</sup> Although appellant identified the employment factors which she believed caused her claimed injury, the evidence of record does not establish that she sustained an injury as alleged or that she suffered any condition due to an injury caused by employment factors. Appellant was provided with an opportunity to provide additional medical evidence but she failed to provide rationalized medical evidence showing that she sustained an injury in the performance of duty as alleged.

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

<sup>5</sup> Appellant indicated that she spent 80 percent of her time engaged in typing.

<sup>6</sup> Dr. Lee later indicated that appellant should rest for one-half hour after every hour of typing.

<sup>7</sup> See *Charles H. Tomaszewski*, 39 ECAB 461, 467-68 (1988) (finding that medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

The April 5, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
January 7, 2002

Michael J. Walsh  
Chairman

David S. Gerson  
Member

Priscilla Anne Schwab  
Alternate Member