

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KARIN H. DIETZ and DEPARTMENT OF COMMERCE,
NATIONAL WEATHER SERVICE, Silver Spring, MD

*Docket No. 01-1489; Submitted on the Record;
Issued January 10, 2002*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

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

The Board has duly reviewed the case record and finds that appellant has failed to establish that she sustained an injury while in the performance of duty.

On December 11, 2000 appellant, then a 66-year-old secretary, filed an occupational disease claim alleging that in December 1998 she first realized that her health problems started or were aggravated by her federal employment. Appellant described the nature of her illness as stress, stomachaches, inability to sleep, chest pain, dizziness, sore throat, nausea, congestion, infections, long-lasting colds, tiredness, back pain and bladder problems. Appellant's claim was accompanied by factual and medical evidence.

In a January 5, 2001 letter, the Office of Workers' Compensation Programs advised appellant that the evidence submitted was insufficient to establish her claim. The Office requested that appellant submit additional factual and medical evidence supportive of her claim. Appellant did not respond.

By decision dated May 8, 2001, the Office found the evidence of record insufficient to establish that appellant sustained an injury while in the performance of duty.

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, generally, 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.¹

The only medical evidence of record submitted by appellant is a February 25, 1999 disability certificate signed by a physician whose signature is illegible. This certificate indicated that appellant received medical treatment on February 25, 1999, that she had influenza and that she was unable to work from February 16 through 23, 1999. This disability certificate is insufficient to meet appellant's burden of proof because it failed to discuss whether or how the diagnosed condition was caused by factors of appellant's federal employment.²

Inasmuch as appellant has failed to submit rationalized medical evidence establishing that she sustained a medical condition caused by factors of her federal employment, the Board finds that appellant has not satisfied her burden of proof in this case.

The May 8, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
January 10, 2002

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

¹ *Victor J. Woodhams*, 41 ECAB 345 (1989).

² *Daniel Deparini*, 44 ECAB 657, 659 (1993).