

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELIZABETH L. LAMBETH and DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION, San Diego, CA

*Docket No. 03-1165; Submitted on the Record;
Issued July 3, 2003*

DECISION and ORDER

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

The issue is whether appellant sustained an injury causally related to her federal employment, as alleged.

On September 19, 2002 appellant, then a 69-year-old management and program assistant (time and attendance technician), filed an occupational disease claim alleging that she had a "shooting pain from wrist down fingers, up to the elbow, and shoulders." She attributed this pain to repetitive motion "with constant keyboard entries."¹ Appellant indicated that a doctor's report was forthcoming.

A supervisor reported that appellant performed data entry using a computer keyboard: "She has performed this job function approximately 7 years. She performs these functions on the average of five days a week for approximately 6½ hours per day."

On October 23, 2002 the Office of Workers' Compensation Programs requested that appellant submit additional information to support her claim, including the following:

"Provide a comprehensive medical report from your treating physician which describes your symptoms; results of examination and tests; diagnosis; the treatment provided; the effect of treatment; and the doctor's opinion, with medical reasons, on the cause of your condition. Specifically, if your doctor feels that exposure or incidents in your federal employment contributed to your condition, an explanation of how such exposure contributed should be provided."

The Office requested that appellant submit this evidence within 30 days and informed her that, if she did not submit this evidence, it would render a decision on her claim for compensation based on the evidence in the file.

¹ Appellant's claim form makes clear that she is claiming an occupational disease or illness.

In a decision dated January 2, 2003, the Office denied appellant's claim for compensation. The Office accepted that appellant regularly used the keyboard for data entry at work but noted that she submitted no medical reports to support her claim, so there was no medical diagnosis of her condition and no opinion on the causal relationship between her condition and her work activities. Because she did not respond to the October 23, 2002 request for more information, the Office found that appellant failed to establish a medical condition and failed to establish fact of injury.

The Board finds that appellant has not established that she sustained an injury causally related to her federal employment, as alleged.

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of proof to establish the essential elements of her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.³

The evidence in this case is sufficient to establish that appellant experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. Appellant stated on her claim form that she performed repetitive motion with constant keyboard entries, and a supervisor confirmed that appellant performed data entry using a computer keyboard five days a week, six and a half hours a day for seven years. Based on this evidence, the Office accepted as factual that appellant regularly used a keyboard for data entry at work. Having established her duties at work, the question for determination becomes whether these duties caused an injury.

Causal relationship is a medical issue,⁴ 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,⁵ must be one of reasonable medical certainty,⁶ 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.⁷

² 5 U.S.C. §§ 8101-8193.

³ See *Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). See generally *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁵ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁶ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁷ See *William E. Enright*, 31 ECAB 426, 430 (1980).

Although the Office requested that appellant submit a comprehensive medical report from her treating physician explaining how her federal employment contributed to her diagnosed medical condition, it received no response. When it issued its decision on January 2, 2003, the record contained no medical evidence to establish a diagnosis of appellant's condition and no medical opinion to explain how appellant's data entry activities caused or contributed to that diagnosed condition. Causal relationship is an essential element of appellant's claim for compensation benefits, and it is her burden to establish this essential element by submitting probative medical evidence.⁸ Because she submitted no medical evidence to support her claim, appellant has failed to meet her burden of proof.⁹

The January 2, 2003 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
July 3, 2003

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

⁸ *E.g., Harold Hendrix*, 1 ECAB 54 (1947).

⁹ The Office received medical evidence after issuing its January 2, 2003 decision and appellant submitted additional medical evidence to the Board when she filed her appeal. The Board, however, may not consider this evidence for the first time on appeal. 20 C.F.R. § 501.2(c) (the Board's review of a case shall be limited to the evidence in the case record which was before the Office at the time of its final decision). Appellant may submit the evidence to the district office whose address appears on the January 2, 2003 decision and request that the Office reconsider that decision.