

**United States Department of Labor
Employees' Compensation Appeals Board**

DEBORAH D. CARTER, Appellant

and

**DEPARTMENT OF LABOR, OFFICE OF
WORKERS' COMPENSATION PROGRAMS,
New York, NY, Employer**

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**Docket No. 04-321
Issued: April 8, 2004**

Appearances:

*Deborah D. Carter, pro se
Office of Solicitor, for the Director*

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chairman
DAVID S. GERSON, Alternate Member
WILLIE T.C. THOMAS, Alternate Member

JURISDICTION

On November 18, 2003 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated October 22, 2003. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue on appeal is whether appellant met her burden of proof in establishing that she sustained a compensable eye condition in the performance of duty.

FACTUAL HISTORY

On August 21, 2003 appellant, then a 47-year-old claims examiner, filed an occupational disease claim alleging that she developed deteriorating eyesight and strain from looking directly

into a 21-inch computer monitor at close range for eight hours a day.¹ She indicated that she first became aware of her condition on March 20, 2003. Appellant noted that she stopped work on July 16, 2003 and returned to work on July 26, 2003. She stopped work again on August 18, 2003.

In a letter dated August 22, 2003, the Office advised appellant that all three claim forms had been reviewed; however, such documentation was insufficient without additional supportive evidence to establish the claims.² The Office requested that appellant provide a comprehensive medical report from her treating physician, which described her 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 the condition. The Office indicated that, if appellant's physician felt that exposure or incidents in her federal employment contributed to her condition, an explanation of how such exposure contributed should be provided.

In response, appellant submitted a statement which listed all three claim numbers and described the employment-related conditions or incidents she believed contributed to her alleged "pain." Appellant also submitted nursing notes, test results and other medical documentation concerning various medical conditions, including those alleged in her separate claims for work-related upper extremity strains and Sjogren's syndrome. In a report dated March 20, 2003, Dr. Peter Gorevic, a Board-certified allergist and immunologist, evaluated appellant for connective tissue disease that had caused arthritis, fatigue and dryness of the mouth and skin. He further stated that appellant would undergo a lip biopsy to determine if she had the autoimmune disease called Sjorgren's syndrome.

In an August 4, 2003 report, Dr. Gorevic stated that appellant was confirmed to have primary Sjogren's syndrome, which necessitated her taking sick leave from July 16 to 25, 2003 and which remained active. He stated: "Sjogren's syndrome is a chronic condition.... Common complaints include dryness of the eyes and mouth, muscle weakness, inflammation of joints (arthritis), enlargement of lymph nodes and chronic fatigue."

By decision dated October 22, 2003, the Office denied appellant's claim on the grounds that the medical evidence submitted was insufficient to establish fact of injury. The Office explained that, while the evidence of record supported that appellant used a computer to review data, there was no medical evidence that provided a diagnosis of failing eyesight that could be connected to the work exposure.

¹ The record reflects that three claims were filed by appellant alleging that she sustained aggravation of Sjogren's syndrome, bilateral wrist, shoulder and arm strains and deteriorating eyesight and strain, due to factors of her federal employment. Appellant has only requested review of claim number, the deteriorating eyesight and strain adjudicated on October 22, 2003 on appeal.

² The Board notes that, while all three claims were developed by the Office simultaneously, the record reflects that the alleged deteriorating eyesight and strain claim is at issue here with a date of injury of March 20, 2003 was adjudicated separately.

LEGAL PRECEDENT

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 diagnosed condition is causally related to the employment factors identified by the claimant.³

The medical evidence required to establish a causal relationship 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.⁴

ANALYSIS

In this case, appellant did not submit sufficient medical evidence to establish that she developed deteriorating eyesight or strain due to the specified factors of computer usage at work. Medical records were submitted by appellant, which discussed a range of physical conditions, however, none of the reports mention at all appellant's claim of failing eyesight or strain or present a rationalized medical opinion attributing her claimed condition to specified factors of her federal employment. She submitted a report from Dr. Gorevic dated March 20, 2003, the same date as the date of injury; however, this report only discussed that she was being evaluated for connective tissue disease that had caused arthritis, fatigue and dryness of the mouth and skin. Although the medical evidence suggests that appellant has experienced a dry eye condition, such condition is distinct from that claimed here and, furthermore, Dr. Gorevic connected that symptom to her diagnosed Sjogren's syndrome.

As the record is devoid of any rationalized medical evidence that attributes appellant's claimed condition to her employment exposure, the Office properly denied her claim.

CONCLUSION

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

³ *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

⁴ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 22, 2003 is affirmed.

Issued: April 8, 2004
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member