

By letter dated November 3, 2002, the Office referred appellant to Dr. John Keebler, a Board-certified otolaryngologist, for otologic examination. In the statement of accepted facts the Office noted that, in addition to appellant's noise exposure during his federal employment, he was exposed to noise during military service from August 1970 through May 1985. Dr. Keebler examined appellant on November 19, 2002 and conducted an audiogram on the same date. He noted that, although appellant had a moderate bilateral hearing loss that was in excess of what would normally be predicted on the basis of presbycusis, the type of curve shown on the audiogram was "not the type of curve seen in presbycusis or noise-induced loss. This is most likely bilateral otoscler[osis]." He indicated that appellant's hearing loss was not work related.

By decision dated July 29, 2003, the Office denied appellant's claim for hearing loss, finding that appellant's hearing loss was not causally related to noise exposure in his federal employment.

By letter dated August 11, 2003, appellant requested review of the written record and submitted copies of reports about otosclerosis and causes of hearing loss which he obtained from the internet.

By decision dated November 28, 2003, an Office hearing representative affirmed the July 29, 2003 decision, finding that appellant did not submit medical evidence which showed that he sustained a hearing loss due to his federal civilian employment.

LEGAL PRECEDENT

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

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 a causal relationship, generally is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence, which

¹ *Dennis M. Mascarenas*, 49 ECAB 215 (1997); *Elaine Pendleton*, 40 ECAB 1143 (1989).

² *Victor J. Woodhams*, 41 ECAB 345 (1989).

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.³ The Board has long held that newspaper clippings, medical texts and excerpts from publications are of no evidentiary value in establishing the necessary causal relationship between a claimed condition and employment factors because such materials are of general application and are not determinative of whether the specifically claimed condition is related to the particular employment factors alleged by the employee.⁴

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish that his hearing loss was caused by his federal employment as there are no medical reports of record that relate appellant's hearing loss to his federal work duties. The only physician to address the cause of appellant's hearing loss is Dr. Keebler. He indicated that appellant's hearing loss was not work related, noting that the curve seen in on audiometric testing was not the type of curve seen in presbycusis or noise-induced hearing loss and was most likely bilateral otosclerosis. Although appellant has submitted several articles from the internet to support his claim that his hearing loss is work related, as noted these type of reports are of no evidentiary value as they are of general application and not determinative of whether appellant's hearing loss is causally related to his federal employment.

CONCLUSION

As discussed in this opinion, appellant has not met his burden of proof in establishing that his hearing loss was causally related to his federal employment.

³ *Id.*

⁴ *Dominic E. Coppo*, 44 ECAB 484, 488 (1993).

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated November 28 and July 29, 2003 are affirmed.

Issued: May 27, 2004
Washington, DC

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member