



employment.<sup>1</sup> He indicated that blood tests were taken revealing that he had succumbed to the fever “sometime in the past, but unknown when.” In support thereof, appellant submitted a September 9, 2003 medical report wherein Dr. Mark Rhyner, a Board-certified family practitioner, indicated that appellant has positive antibodies for Q fever. He further noted that appellant was having no ill effects from it but that, since it could cause chronic endocarditis, he recommended an echocardiogram. Dr. Rhyner also submitted an attending physician’s report (Form CA-20) wherein he checked the box indicating that he did not believe that this condition was causally related to appellant’s employment. The employing establishment controverted the claim.

By letter dated November 21, 2003, the Office requested that appellant submit further information. No further information was received in a timely manner, and by decision dated January 9, 2004, the Office denied appellant’s claim as the medical evidence did not demonstrate that the claimed condition was related to appellant’s federal employment.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>2</sup> has the burden of establishing the essential elements of his 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>3</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>4</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. The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence, which includes a

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<sup>1</sup> Q fever is defined as “an acute, generally self-limited rickettsial infection caused by *Coxiella burnetti*, characterized by fever, chills, headache, myalgia, malaise and very rarely rash, and sometimes complicated by mild pneumonia. In humans, it is usually acquired by inhalation of airborne organisms in infected dust or aerosols derived from infected domestic animals, with no vector being involved in transmission as in other rickettsial diseases.” DORLAND’S *Illustrated Medical Dictionary* 688 (30<sup>th</sup> ed. 2003).

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

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.<sup>5</sup>

### **ANALYSIS**

In the instant case, appellant failed to meet his burden of proof in establishing that his Q fever was causally related to his federal employment. The record contains no factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the Q fever. Furthermore, the record contains no medical report that links appellant's Q fever to his employment. The only physician of record, Dr. Rhyner, specifically indicates that the Q fever is not causally related to appellant's federal employment. Accordingly, the Office properly denied benefits as appellant failed to establish that he was entitled to compensation under the Act.<sup>6</sup>

### **CONCLUSION**

Appellant did not meet his burden of proof of establishing that his Q fever was causally related to his federal employment.

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<sup>5</sup> *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

<sup>6</sup> Appellant submitted additional evidence after the Office's decision of January 8, 2004. However, the Board cannot consider such evidence for the first time on appeal. *See* 20 C.F.R. § 501.2(c).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 9, 2004 is hereby affirmed.

Issued: September 24, 2004  
Washington, DC

Alec J. Koromilas  
Chairman

David S. Gerson  
Alternate Member

A. Peter Kanjorski  
Alternate Member