



engine repair that involved the use of a resin base-type adhesive. He stated that his gloves would rupture and after a period of such exposures he noticed that his fingers under the fingernails were impacted on his right hand.

Dr. Samuel J. Brown, a physician Board-certified in preventative medicine, completed a report of first examination on December 19, 2003 and indicated that appellant reported working with adhesives from January through July 2003. Although appellant used gloves, the gloves ruptured at the finger tips and caused exposure. Appellant first noticed the nail discoloration in June or July 2003. He reported no pain, itching or other skin changes. Dr. Brown found a brownish discoloration of the nail or nail bed on the index and middle fingers of appellant's right hand. Appellant's nails were intact and were not sensitive. He stated that he was uncertain if appellant's condition was related to the employment exposure and stated that he would research the substances.

In a separate report dated December 19, 2003, Dr. Brown noted that appellant reported adhesive on his index and middle fingers of his right hand. Dr. Brown found that appellant had discolored nails on the index and middle fingers of his right hand. He stated that he was uncertain as to whether the discoloration was due to appellant's employment exposure and that the findings might be coincidental.

In a March 3, 2004 report of a January 30, 2004 examination, Dr. Brown again found that appellant had discoloration of the index and middle digits nail and nail bed. He noted that appellant reported using adhesive in December 2003 and stated that appellant's discolored nails may or may not be related to exposure to adhesive at work. Dr. Brown stated that appellant had no constitutional symptoms.

In a letter dated July 27, 2004, the Office requested additional factual and medical evidence from appellant including the name and ingredients of the adhesive. The Office also requested additional medical evidence and allowed appellant 30 days to respond.

Appellant submitted a response on September 12, 2004 and attributed his condition to exposure to two kinds of epoxy-type adhesives used in his job. He stated that he had provided detailed information on the two kinds of chemicals used. Appellant stated that he was exposed to these chemicals approximately 24 times for up to 30 minutes at a time.

By decision dated November 30, 2004, the Office denied appellant's claim finding that the evidence did not establish that appellant had sustained an injury. The Office found that appellant had exposure to some type of adhesive, but that Dr. Brown did not diagnose a medical condition resulting from that exposure.

### **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 of existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying the 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. The medical opinion 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>1</sup>

### **ANALYSIS**

In this case, appellant has established that he was exposed to adhesive in the performance of his job duties. He has submitted medical evidence describing a discoloration of the middle and index fingernails of his right hand. However, appellant has not submitted the necessary medical opinion evidence establishing a causal relationship between his employment exposure and his claimed condition.

Appellant submitted reports from Dr. Brown, a physician Board-certified in preventative medicine, who provided the findings of a brownish discoloration of appellant's nails or nail beds and noted appellant's history of exposure to an adhesive in the performance of his federal job duties. Dr. Brown did not provide an opinion that appellant's condition was a result of this exposure. On December 19, 2004 he twice stated that he was uncertain if appellant's nail condition was related to the history of adhesive exposure. Dr. Brown also stated that appellant's condition could be coincidental. Following his January 30, 2004 examination, he stated that appellant's discolored nails may or may not be related to exposure to adhesive at work. Dr. Brown stated that appellant had no constitutional symptoms. As these reports do not provide the necessary opinion on causal relationship, the Board finds that appellant has failed to submit sufficient medical opinion evidence to establish that his nail condition was caused or aggravated by his exposure to adhesives in the performance of his federal job duties.

### **CONCLUSION**

The Board finds that appellant has failed to submit the necessary medical opinion evidence to meet his burden of proof in establishing an occupational disease as a result of his accepted exposure to adhesives in the performance of duty.

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<sup>1</sup> *Solomon Polen*, 51 ECAB 341, 343-44 (2000).

**ORDER**

**IT IS HEREBY ORDERED THAT** the November 30, 2004 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Issued: May 9, 2005  
Washington, DC

Alec J. Koromilas  
Chairman

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member