

In a letter dated December 8, 2004, the Office advised appellant that additional evidence was needed to make a determination whether he was eligible for benefits under the Federal Employees' Compensation Act. Appellant was instructed to provide factual and medical evidence, which included a comprehensive medical report from his treating physician describing his symptoms, results of examinations and tests, diagnosis, the treatment provided and the doctor's opinion with medical rationale on the cause of his skin condition.

Appellant submitted a statement of his work duties, which included the names of various chemicals he was exposed to on a daily basis. He also submitted medical records and testing from 1979, 1980, 1993 and 1994, which contained diagnoses of eczematoid dermatitis, nummular dermatitis, fungus infections, spreading hand rash and hand eczema and chronic contact allergies. In a December 12, 1979 report, Dr. Hettie S. Gibbs, an internist, advised that patch testing showed appellant was sensitive to Merceptobenzothiazole (rubber mix). In a December 13, 1979 report, Dr. Bernard Zussman stated that he did not think there were any occupational contacts, but advised appellant not to use chemicals such as sulfuric acid.¹

By decision dated February 24, 2005, the Office denied the claim for compensation finding that the medical evidence was insufficient to establish that appellant's skin condition was caused or contributed to by his federal employment.

On March 17, 2005 appellant requested a review of the written record. No new evidence was provided.

By decision dated May 16, 2006, an Office hearing representative affirmed the February 24, 2005 decision.

LEGAL PRECEDENT

An employee seeking benefits under the Act 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.² These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

To establish that an injury was sustained in the performance of duty, a claimant must submit: a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; medical evidence

¹ Dr. Zussman's credentials are not of record.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Delores C. Ellyett*, 41 ECAB 992, 998-99 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-27 (1990).

establishing the presence or existence of the disease or condition for which compensation is claimed; and medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁴

Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁵ A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁶ Additionally, to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors.⁷

ANALYSIS

Appellant submitted a claim for compensation alleging that his skin conditions resulted from the water on the steam dredge boat where he worked performing welder duties. He submitted a statement explaining the various factors he was exposed to during the course of his work duties and the Office accepted the claimed work-related events. As noted to establish his claim, appellant must also submit medical evidence establishing that a diagnosed condition is causally related to the identified employment factors. In this case, the medical evidence is not sufficient to establish the claim.

Appellant submitted various medical reports, mostly from 1979, which show that he was diagnosed and treated for a fungus infection, spreading hand rash, hand eczema, chronic contact allergy and various forms of dermatitis. However, none of the medical reports implicate any particular factor, duty or requirement of appellant's employment as the cause of the diagnosed conditions. As none of the reports address the relevant issue of causal relationship, they are of diminished probative value.⁸ It is noted that, in his December 13, 1979 report, Dr. Zussman opined that he did not think there were any occupational contacts.

Although the Office informed appellant of the necessity of submitting a well-rationalized medical opinion from his physician in its December 8, 2004 letter, he failed to do so. While appellant may attribute his various skin conditions over the years to his work duties, the record contains insufficient medical opinion explaining how appellant's work-related events caused or aggravated his skin conditions. The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship

⁴ *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

⁵ *See Robert G. Morris*, 48 ECAB 238 (1996).

⁶ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁷ *Id.*

⁸ *See Leslie C. Moore*, 52 ECAB 132 (2000).

between the two.⁹ Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the employment caused or aggravated his condition is sufficient to establish causal relationship.¹⁰ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

Appellant has failed to submit rationalized medical evidence establishing that his skin conditions were causally related to factors of his federal employment. He has failed to meet his burden of proof.¹¹ The Board finds that the Office properly denied his claim for benefits under the Act.

CONCLUSION

Appellant has not met his burden of proof in establishing that his skin conditions are causally related to his federal employment.

⁹ *Nicollette R. Kelstrom*, 54 ECAB 570 (2003).

¹⁰ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

¹¹ The Board notes that the record contains additional medical evidence which was received after the Office's March 27, 2006 decision. However, as the evidence was not before the Office at the time of the issuance of its decision, such evidence cannot be considered by the Board, as its jurisdiction is limited to evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Appellant may submit this evidence and any other evidence he may have to the Office together with a formal request for reconsideration pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606(b).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated May 16, 2006 is affirmed.

Issued: October 26, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board