

mineral spirits, paint thinner and benzotriazole while cleaning statues at work and that he was being treated for unsteadiness and headaches. Appellant provided a job description for preservation worker, the procedures followed for sculpture maintenance and data sheets and information regarding propane and other chemicals along with medical evidence including hearing tests dating from 2002 to March 22, 2004 which demonstrated a mild high frequency hearing loss. The record includes reports from Dr. Mark Terris, a Board-certified otolaryngologist, dating from February 3, 2003 to April 21, 2005. In February 2004, Dr. Terris noted appellant's history of disequilibrium, reporting that he frequently felt off balance and had been referred to Johns Hopkins. He noted on July 14, 2004 that appellant hunted and raised the possibility of Lyme disease. In an August 17, 2004 treatment note, Dr. Terris was not sure of the etiology of appellant's light-headedness and a note dated December 13, 2004 mentioned the possibility of vestibular migraines. On April 21, 2005 he diagnosed chronic dizziness.

By letter dated May 24, 2005, the Office informed appellant of the type evidence needed to develop his claim and requested that the employing establishment respond. On June 13, 2005 Jesse Mallard, appellant's supervisor, advised that appellant had waxed statues since 1989 and used a respiratory mask. In a decision dated November 3, 2005, the Office noted that appellant had not responded to the May 24, 2005 letter and accepted that he sustained various exposures at work but denied the claim on the grounds that the medical evidence did not establish that his diagnosed condition was caused by factors of his federal employment.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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. Regardless of whether the asserted claim involves a traumatic injury or an occupational disease, an employee must satisfy this burden of proof.²

Office regulations define the term "occupational disease or illness" as a condition produced by the work environment over a period longer than a single workday or shift."³ 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. The medical opinion must be one of reasonable medical certainty and must be supported by medical rationale

¹ 5 U.S.C. §§ 8101-8193.

² *Gary J. Watling*, 52 ECAB 278 (2001).

³ 20 C.F.R. § 10.5(ee).

explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴

Causal relationship is a medical issue, and the medical evidence required to establish a causal relationship is rationalized medical evidence.⁵ Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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.⁶ Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁷

ANALYSIS

The Board agrees that appellant sustained employment-related exposure to various chemicals in his job duties as a preservation worker but finds that he failed to meet his burden of proof to establish that his headaches or dizziness were caused by this exposure. While appellant submitted a number of medical reports from Dr. Terris, none of the reports provide a cause of appellant's condition. Medical evidence that does not offer an opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.⁸ While the opinion of a physician on causal relationship need not reduce the cause of a disease or condition to an absolute certainty, neither can the opinion be speculative or equivocal. The opinion of a physician must be that, to a reasonable medical certainty, the condition for which compensation is claimed is causally related to the employee's federal employment. Such relationship must be supported with affirmative evidence, explained by medical rationale and be based upon a complete and accurate medical and factual background of the claimant.⁹ The medical evidence in this case is insufficient to meet appellant's burden of proof.

CONCLUSION

The Board finds that appellant did not establish that he sustained an employment-related condition.

⁴ *Solomon Polen*, 51 ECAB 341 (2000).

⁵ *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

⁶ *Id.*

⁷ *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

⁸ *Willie M. Miller*, 53 ECAB 697 (2002).

⁹ *Patricia J. Glenn*, 53 ECAB 159 (2001).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 3, 2005 be affirmed.

Issued: January 24, 2007
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

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