

**United States Department of Labor  
Employees' Compensation Appeals Board**

<hr/>	)	
<b>K.M., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 08-1693</b>
	)	<b>Issued: December 19, 2008</b>
<b>U.S. POSTAL SERVICE, GRAYSON POST</b>	)	
<b>OFFICE, Grayson, Georgia, Employer</b>	)	
<hr/>	)	

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
ALEC J. KOROMILAS, Chief Judge  
DAVID S. GERSON, Judge  
COLLEEN DUFFY KIKO, Judge

**JURISDICTION**

On May 29, 2008 appellant timely filed an appeal of the Office of Workers' Compensation Programs' merit decision dated April 7, 2008 denying her claim. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this claim.

**ISSUE**

The issue is whether appellant met her burden of proof in establishing that she sustained an occupational disease in the performance of duty.

**FACTUAL HISTORY**

Appellant, a 39-year-old rural carrier, filed an occupational disease claim (Form CA-2) dated October 29, 2007 alleging repetition of work on a daily basis aggravated her weak hand and arm, resulting in carpal tunnel syndrome. She submitted no corroborating medical evidence with this form.

By letter dated January 22, 2007, appellant's employer controverted her claim on the basis that she had not filed any evidence, medical or otherwise, to support her claim.

By letter dated January 28, 2008, the Office notified appellant that it had received her claim for benefits under the Federal Employees' Compensation Act and requested detailed information pertaining to her claim including a comprehensive medical report. Appellant did not provide the requested information.

By decision dated April 7, 2008, the Office denied appellant's claim because the evidence submitted was not sufficient to establish an injury as defined by the Act.<sup>1</sup>

### **LEGAL PRECEDENT**

An employee seeking benefits under the Act<sup>2</sup> has the burden of proof to establish the essential elements of their claim by the weight of the evidence,<sup>3</sup> including that they sustained an injury in the performance of duty and that any specific condition or disability for work for which they claim compensation is causally related to that employment injury.<sup>4</sup>

To establish that an injury was sustained in the performance of duty in a claim for occupational disease, an employee must submit the following: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.<sup>5</sup>

The Board has held that the fact that a condition manifests itself or worsens during a period of employment<sup>6</sup> or that work activities produce symptoms revelatory of an underlying condition<sup>7</sup> does not raise an inference of causal relationship between a claimed condition and employment factors.

As part of her burden, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background showing causal relationship.<sup>8</sup> The weight of medical evidence is determined by its reliability, its probative value, its convincing quality,

---

<sup>1</sup> Appellant submitted medical evidence following the Office's April 7, 2008 decision. The Board's jurisdiction is limited to review of the evidence which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> *J.P.*, 59 ECAB \_\_\_ (Docket No. 07-1159, issued November 15, 2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

<sup>4</sup> *G.T.*, 59 ECAB \_\_\_ (Docket No. 07-1345, issued April 11, 2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>5</sup> *See Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

<sup>6</sup> *E.A.*, 58 ECAB \_\_\_ (Docket No. 07-1145, issued September 7, 2007); *Albert C. Haygard*, 11 ECAB 393, 395 (1960).

<sup>7</sup> *D.E.*, 58 ECAB \_\_\_ (Docket No. 07-27, issued April 6, 2007); *Fabian Nelson*, 12 ECAB 155, 157 (1960).

<sup>8</sup> *G.T.*, *supra* note 4; *Nancy G. O'Meara*, 12 ECAB 67, 71 (1960).

the care of the analysis manifested and the medical rationale expressed in support of the physician's opinion.<sup>9</sup>

### ANALYSIS

The Board finds that appellant failed to meet her burden of proof to establish a *prima facie* claim for compensation. Although she submitted a statement which purported to identify the factors of employment that she believed caused her condition, she failed to submit any substantive medical evidence in support of her claim. Rather, the only evidence that appellant submitted to the Office was the CA-2 form alleging that repetition of unspecified employment task(s) on a daily basis aggravated her weak hand and arm.

The Office advised appellant of the need to submit a medical opinion explaining how the claimed condition was related to the implicated employment factors. Appellant did not submit any medical evidence prior to the Office's April 7, 2008 decision. She therefore did not establish a *prima facie* claim for compensation.

### CONCLUSION

The Board finds that the Office properly determined that appellant did not meet her burden of proving the claimed occupational disease.

### ORDER

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated April 7, 2008 is affirmed.

Issued: December 19, 2008  
Washington, DC

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

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

---

<sup>9</sup> *Jennifer Atkerson*, 55 ECAB 317, 319 (2004); *Naomi A. Lilly*, 10 ECAB 560, 573 (1959).