

By letter dated April 8, 2008, the Office advised appellant of the factual and medical evidence needed to establish his claim. It requested a comprehensive medical report from a treating physician which provided a reasoned explanation as to how the specific work factors or incidents identified by appellant had contributed to his claimed condition.

In an April 19, 2008 statement, appellant addressed the events of January 31, 2006. In medical reports dated January to September 2006, Dr. Parley Kurt Thorderson, a Board-certified orthopedic surgeon, noted that on January 30, 2006 appellant sustained a crush injury to his left ring finger and underwent a surgical pinning of the left ring finger proximal phalanx. He did well postoperatively. On April 14, 2008 Dr. Thorderson advised that appellant had residual left hand stiffness and weakness and provided an assessment of left hand arthritis. He noted x-rays revealed significant degenerative arthritis of the proximal interphalangeal and distal interphalangeal joints. Dr. Thorderson also stated that, after reviewing the initial injury films, the arthritis was preexisting.

By decision dated June 30, 2008, the Office denied the claim, finding that the medical evidence was not sufficient to establish that appellant's current condition was causally related to the January 31, 2006 work incident.¹

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act² 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 filed within the applicable time limitation; that an injury was sustained while 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.³ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.⁴

To establish that an injury was sustained in the performance of duty in a claim for occupational disease, an employee must submit: (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

¹ The Board notes that the record contains additional evidence after the Office rendered its June 30, 2008 decision. The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c); *Dennis E. Maddy*, 47 ECAB 259 (1995); *James C. Campbell*, 5 ECAB 35, 36 n.2 (1952). Therefore, this new evidence cannot be considered by the Board on appeal. Appellant may submit this evidence 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)(2).

² 5 U.S.C. §§ 8101-8193.

³ *Anthony P. Silva*, 55 ECAB 179 (2003).

⁴ *See Ellen L. Noble*, 55 ECAB 530 (2004).

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.⁵

Causal relationship is a medical issue and the medical evidence required to establish a causal relationship is rationalized medical evidence.⁶ 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.⁷ 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.⁸

ANALYSIS

The Office accepted that on January 31, 2006 appellant was working when an equipment rack from a truck slipped and fell against his left ring finger. Appellant asserted subsequently that he had lost flexibility in his fingers.⁹ The issue is whether his current left hand arthritis was caused or aggravated by employment of the January 31, 2006 incident.

The only medical evidence relevant to appellant's current condition is Dr. Thorderson's April 14, 2008 report.¹⁰ Dr. Thorderson diagnosed left hand arthritis of the proximal interphalangeal and distal interphalangeal joints of the middle finger. He advised that such arthritis was preexisting. However, Dr. Thorderson did not address how appellant's current condition was caused or aggravated by the January 31, 2006 incident.¹¹ While he stated that appellant's arthritis was preexisting, he did not explain how the January 31, 2006 incident would cause or aggravate the diagnosed left hand arthritis. Dr. Thorderson's report is insufficient to establish appellant's claim.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the mere fact that appellant's condition became apparent during a period of employment

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

⁶ *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

⁷ *Leslie C. Moore*, 52 ECAB 132 (2000); *Gary L. Fowler*, 45 ECAB 365 (1994).

⁸ *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

⁹ The record is not clear with regard to whether appellant may have previously filed a traumatic injury claim with regard to the January 31, 2006 incident. Any such matter is not before the Board on the present appeal.

¹⁰ The earlier medical reports have no relevance in establishing appellant's current claim.

¹¹ *A.D.*, 58 ECAB ____ (Docket No. 06-1183, issued November 14, 2006) (medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.¹² Causal relationships must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence and the Office therefore properly denied his claim for compensation.

CONCLUSION

The Board finds that appellant did not meet his burden of proof in establishing that his current left hand condition is causally related to his January 31, 2006 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the June 30, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 20, 2009
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

¹² *Dennis M. Mascarenas, supra* note 8.