

the pain was much worse on that day. In support of his claim, he submitted an undated statement from his supervisor and pay rate information.

By letter dated February 21, 2008, the Office notified appellant that the evidence submitted was not sufficient to establish a claim under the Federal Employees' Compensation Act.

Responding to this letter, appellant submitted an attending physician's report dated February 12, 2008 completed by Dr. Bradford C. Gray, a certified general surgeon. The report states a diagnosis of right intestinal hernia. The report also indicates by check mark that this condition was not caused or aggravated by an employment activity.

Additionally, on March 21 2008 appellant submitted an undated personal statement specifically responding to the numbered items in the Office's letter of February 21, 2008.

By decision dated March 24, 2008, the Office denied appellant's claim for compensation because the evidence submitted did not demonstrate that the claimed medical condition was related to the established work-related events.

LEGAL PRECEDENT

An employee seeking benefits under the Act¹ has the burden of proof to establish the essential elements of his claim by the weight of the evidence,² including that he sustained an injury in the performance of duty and that any specific condition or disability for work for which compensation is claimed is causally related to that employment injury.³

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 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.⁴

The Board has held that the fact that a condition manifests itself or worsens during a period of employment⁵ or that work activities produce symptoms revelatory of an underlying

¹ 5 U.S.C. §§ 8101, *et. seq.*

² *J.P.*, 59 ECAB ___ (Docket No. 07-1159, issued November 15, 2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

³ *G.T.*, 59 ECAB ___ (Docket No. 07-1345, issued April 11, 2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁴ *See Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

⁵ *E.A.*, 58 ECAB ___ (Docket No. 07-1145, issued September 7, 2007); *Albert C. Haygard*, 11 ECAB 393, 395 (1960).

condition⁶ does not raise an inference of causal relationship between a claimed condition and employment factors.

As part of his burden of proof, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background showing causal relationship.⁷ The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of the analysis manifested and the medical rationale expressed in support of the physician's opinion.⁸

ANALYSIS

The Board finds that appellant failed to meet his burden of proof to establish a *prima facie* claim for compensation. Appellant did submit an attending physician's report from Dr. Gray which diagnosed right intestinal hernia. Although he also submitted a statement, which identified the factors of employment that he believed caused his hernia condition, as a window clerk he had to pull and lift boxes of mail, he failed to submit any probative substantive medical evidence which supported a causal relationship between the diagnosis and these factors of his employment. Appellant's mere allegations that he first noticed the pressure and burning sensation while at work is not sufficient to raise an inference of a causal connection between his alleged condition and an employment-related event. He must submit probative rationalized medical evidence which explains how the established employment factors caused the diagnosed condition.

The Office informed appellant of the need to submit a physician's opinion which explained how the claimed condition was related to the implicated employment factors. Although appellant eventually submitted an attending physician's report from his treating physician, this evidence did not address causation or describe, with detailed rationale, the relationship between the alleged ailment and an employment-related incident. In fact, this report explicitly stated that appellant's hernia was not caused or aggravated by an employment-related activity, thereby contravening appellant. As appellant did not submit any probative medical evidence supporting a causal relationship between his diagnosed hernia condition and his alleged factors of employment, he did not meet his burden of proof. The Office properly denied appellant's claim for benefits.

CONCLUSION

The Board finds that the Office properly determined that appellant had not met his burden of proof to establish that his right intestinal hernia was causally related to factors of his federal employment.

⁶ *D.E.*, 58 ECAB ___ (Docket No. 07-27, issued April 6, 2007); *Fabian Nelson*, 12 ECAB 155,157 (1960).

⁷ *G.T.*, *supra* note 3; *Nancy G. O'Meara*, 12 ECAB 67, 71 (1960).

⁸ *Jennifer Atkerson*, 55 ECAB 317, 319 (2004); *Naomi A. Lilly*, 10 ECAB 560, 573 (1959).

ORDER

IT IS HEREBY ORDERED THAT that the decision of the Office of Workers' Compensation Programs dated March 24, 2008 is affirmed.

Issued: January 13, 2009
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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