



In a December 13, 2004 report, Dr. Nina Kahloon, a Board-certified dermatologist, conducted a biopsy diagnosing lupus erythematosus. She indicated that discoid lupus was aggravated by sun exposure. Dr. Kahloon recommended that appellant switch job positions to avoid daily sun exposure. On December 22, 2004 Dr. S. Fred Stephenson, a Board-certified ophthalmologist, examined appellant's vision because she was undergoing treatment for lupus. Appellant's visual acuity remained 20/25 in both eyes with no evidence of toxicity. In a February 9, 2005 report, Dr. Kahloon noted appellant's complaint of a skin eruption on her face. Her examination revealed pink papules on her central cheeks, nose and forehead. Dr. Kahloon conducted a biopsy which revealed discoid lupus. She advised that appellant be reassigned to a job that would limit her sun exposure. In another February 9, 2005 report, Dr. Kahloon diagnosed discoid lupus with active areas on appellant's face. She noted the condition worsened with sun exposure which was required by appellant's job. Dr. Kahloon recommended that appellant be reassigned to a position with no outside work.

On August 18, 2005 the Office advised appellant of the factual and medical evidence necessary to establish her claim and allowed her 30 days to submit additional evidence.

The employing establishment subsequently submitted an August 12, 2005 statement from a supervisor, who indicated that appellant's duties from October until December 2004 involved sitting in a truck for most of the day with "little to no" sun exposure.

In a September 6, 2005 statement, appellant advised that she was hired as a city letter carrier on March 8, 2004 and she developed a rash on her forehead, upper and lower cheek and nose in August 2004. She noted that Dr. Kahloon diagnosed skin lupus erythematosus and explained that the condition was caused by sun exposure. Appellant asserted that she had no symptoms or medical conditions prior to working outside as a mail carrier. Her condition left dark scars on her forehead, jaws, nose and temple area as well as discolored her neck and legs with hair loss at the right temple. Appellant switched to an inside position that kept her skin condition under control.

In a September 9, 2005 report, Dr. Kahloon noted that she first treated appellant on October 13, 2004 for complaints of skin eruption on her face that had been present for seven months. She diagnosed discoid lupus and advised strict sun avoidance and limited daily sun exposure. Attached to Dr. Kahloon's report was an October 21, 2004 dermatopathology report from Dr. Andrew West, a Board-certified dermatologist, who noted findings highly suggestive of lupus erythematosus.

By decision dated November 8, 2005, the Office denied appellant's claim for compensation finding that she did not establish a causal relationship between her employment exposure and her skin condition.

On December 5, 2005 appellant requested an oral hearing, which was held on June 11, 2007. Following the hearing, an Office hearing representative left the record open for 30 days to allow appellant to submit additional evidence.

In a June 5, 2007 report, Dr. Kahloon noted that discoid lupus was not caused by overexposure to the sun, rather it is worsened by it. She advised that appellant's skin condition

required limiting daily sun exposure and using appropriate sun protection. Dr. Kahloon noted that, even with appropriate limitations to sun exposure, patients could still develop a flare-up in their condition. Appellant submitted photographs that showed the discoloration and scars on her face and neck.

By decision dated September 11, 2007, the Office hearing representative affirmed the November 8, 2005 decision, finding that the medical evidence did not support that the claimed skin condition was due to appellant's federal employment.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act 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. 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.<sup>1</sup>

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; and (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.<sup>2</sup>

The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized 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.<sup>3</sup>

It is well established that, where employment factors cause an aggravation of an underlying physical condition, the employee is entitled to compensation for periods of disability related to the aggravation. Where the medical evidence supports an aggravation or acceleration of an underlying condition precipitated by working conditions or injuries, such disability is compensable. However, the normal progression of untreated disease cannot be said to constitute

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<sup>1</sup> *J.E.*, 59 ECAB \_\_\_ (Docket No. 07-814, issued October 2, 2007); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>2</sup> *D.I.*, 59 ECAB \_\_\_ (Docket No. 07-1534, issued November 6, 2007); *Roy L. Humphrey*, 57 ECAB 238 (2005).

<sup>3</sup> *Id.*

aggravation of a condition merely because the performance of normal work duties reveal the underlying condition. For the conditions of employment to bring about an aggravation of preexisting disease, the employment must be such as to cause acceleration of the disease or to precipitate disability.<sup>4</sup>

### ANALYSIS

The record supports that appellant has lupus erythematosus and that her job as a letter carrier involved some sun exposure. However, the medical evidence does not establish that her skin condition was caused by factors of her employment.

In support of her claim, appellant submitted medical reports from Dr. Kahloon, who diagnosed lupus erythematosus. Dr. Kahloon noted appellant's complaint of a skin eruption on her face and indicated that her skin condition was not caused by sun exposure, but could be aggravated by it. She stated that the condition was worsened with sun exposure and that appellant's job had required that she work in the sun. Dr. Kahloon recommended that appellant be reassigned to a position that did not involve outside work. She also noted that, even if patients limit their sun exposure, their skin condition could still result in a flare-up. While Dr. Kahloon's report provides some support that appellant's workplace sun exposure aggravated her lupus, her opinion is insufficient to establish appellant's claim. In particular, she fails to provide sufficient reasoning addressing how appellant's lupus condition became aggravated by workplace sun exposure. As noted, the normal progression of untreated disease cannot be said to constitute aggravation of a condition merely because the performance of normal work duties reveal the underlying condition.<sup>5</sup> Furthermore, the Board has held that neither the fact that appellant's condition became apparent during a period of employment nor the belief that her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship.<sup>6</sup> Dr. Kahloon has not provided a rationalized opinion explaining why appellant's working conditions aggravated the underlying lupus condition and why her lupus condition was not merely the normal progression of untreated disease. Therefore, her reports are of limited probative value as they do not contain sufficient medical rationale explaining how or why appellant's skin condition was caused or contributed to by factors of her employment.<sup>7</sup>

Additionally, Dr. West's dermatopathology report did not address whether appellant's condition was caused or aggravated by her federal employment. Medical evidence that does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.<sup>8</sup> Likewise, Dr. Stephenson's report did not address the issue of

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<sup>4</sup> A.C., 60 ECAB \_\_\_\_ (Docket No. 08-1453, issued November 18, 2008).

<sup>5</sup> See *id.*

<sup>6</sup> *Ernest St. Pierre*, 51 ECAB 623 (2000).

<sup>7</sup> See *S.S.*, 59 ECAB \_\_\_\_ (Docket No. 07-579, issued January 14, 2008) (medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee's burden of proof).

<sup>8</sup> *K.W.*, 59 ECAB \_\_\_\_ (Docket No. 07-1669, issued December 13, 2007).

whether a causal relationship existed between appellant's skin condition and the factors of her employment. Therefore, these reports are insufficient to establish appellant's claim.

Consequently, the medical evidence does not establish that appellant's lupus erythematosus is causally related to her factors of employment.

**CONCLUSION**

The Board finds that appellant did not meet her burden of proof in establishing that she sustained an occupational disease in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the Office of Workers' Compensation Programs' decision dated September 11, 2007 is affirmed.

Issued: May 15, 2009  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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