

treating physician containing a diagnosis, results of examinations and tests, treatment provided and a rationalized opinion on the causal relationship between the diagnosed condition and his employment duties.

In a March 24, 2009 operative report, Dr. Emad Kandil a Board-certified general surgeon, provided a preoperative diagnosis of a right inguinal hernia. He described the procedure performed on appellant, a laparoscopic right inguinal hernia repair.

In a November 28, 2009 decision, the Office denied appellant's claim on the grounds that the medical evidence did not establish that his right inguinal hernia was causally related to work factors.

LEGAL PRECEDENT

To establish that an injury was sustained in the performance of duty in a claim for an 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.¹ Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on whether there is a causal relationship between the employee's diagnosed condition and the compensable employment factors. The opinion of the physician must be based on a complete factual and medical background of the employee, 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 employee.²

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that an employee's claimed condition became apparent during a period of employment, nor his belief that his condition was aggravated by his employment, is sufficient to establish causal relationship.³

ANALYSIS

The Board finds that appellant failed to meet his burden of proof to establish that his right inguinal hernia was causally related to factors of his employment.

The only medical evidence appellant submitted in support of his hernia claim was the March 24, 2009 operative report from Dr. Kandil. The cause of the hernia was not addressed in

¹ See *Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

² *I.J.*, 59 ECAB ____ (Docket No. 07-2362, issued March 11, 2008); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

³ *D.I.*, 59 ECAB ____ (Docket No. 07-1534, issued November 6, 2007); *Ruth R. Price*, 16 ECAB 688, 691 (1965).

this report. The Office explained to appellant the type of medical evidence needed to establish his claim. It requested a comprehensive report from his treating physician with a diagnosis, results of examinations and tests, treatment provided and the doctor's rationalized opinion on the causal relationship between the diagnosed condition and his employment duties. Appellant failed to provide such medical evidence. The Office properly denied his claim.

CONCLUSION

The Board finds that appellant failed to meet his burden of proof to establish that his right inguinal hernia was causally related to factors of his employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 28, 2009 is affirmed.

Issued: September 10, 2010
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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