



## **FACTUAL HISTORY**

On November 26, 2010 appellant, then a 38-year-old food inspector, filed an occupational disease claim (Form CA-2) alleging that she developed headaches, skin irritation, eye problems and respiratory symptoms due to gas vapors and chemicals at the plant that she worked in. She first became aware of her illness and of its relationship to her employment on April 21, 2010. Appellant notified her supervisor on April 27, 2010 and stopped work on November 22, 2010.

In support of her claim, appellant submitted her September 21, 2000 food inspector job application and an official slaughter food inspector job description.<sup>2</sup>

In medical reports dated April 30 to November 8, 2010, Dr. Kimberly Harrell, an osteopathy, treated appellant for complaints of burning red eyes. Appellant attributed her condition to her work. Dr. Harrell diagnosed blepharitis, external in the right and left eye and provided appellant with eye drops.

By letter dated November 22, 2010, Dr. Zeidman, a treating physician, reported that he had seen appellant since July 2010. Appellant complained of headache and respiratory symptoms due to reported exposure to chemicals at work. Dr. Zeidman noted that he could not relate her symptoms to the workplace but would not discount it either. He recommended that appellant be transferred to another position.

By letter dated November 24, 2010, Dr. Louise Gombako-Amos, Board-certified in obstetrics, reported that appellant was experiencing a worsening of her allergies. Appellant believed this was a result of chlorine or other chemicals to which she was exposed at work. Dr. Gombako-Amos recommended she be moved to another site to avoid exposure to the allergens at work.

By letter dated December 7, 2010, OWCP informed appellant that the evidence of record was insufficient to support her claim. Appellant was advised of the medical and factual evidence needed and was directed to submit it within 30 days.

In an undated narrative statement, appellant reported that the chemicals used at Sanderson Farms were causing her health conditions.<sup>3</sup> She noted that it used ammonium chlorides and, on April 21, 2010, switched to the chemical Mictrotoc P. Appellant stated that she left work numerous times since April 21, 2010 after getting sick from the gas vapors.

By letter dated December 12, 2010, appellant reported that she requested a respirator due to gas vapors and contaminants at the work site. Chemicals were sprayed on each bird she

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<sup>2</sup> Appellant submitted medical information from 2000 along with her personnel information. In an October 19, 2000 report, J.A. Watson M.D. reported that appellant's physical examination was normal. In Department of Agriculture (USDA) hearing test reports dated September 27, 2006 to June 9, 2009, it was reported that appellant's hearing fell within normal limits and remained unchanged.

<sup>3</sup> Appellant indicated that Sanderson Farms is a facility where she worked and where she was exposed to various chemicals.

inspected and located in a chiller located several feet from her work station. Appellant identified some of the chemicals sprayed as chlorinated water with sodium hypochlorite, carbon dioxide, hydrogen peroxide and peroxyacetic acid. She stated that she was exposed five days a week for eight hours a day.

Appellant submitted USDA reports of alleged safety or health hazard dated April 28 to November 12, 2010, filed by Robert Stafford, his supervisor. She also submitted a material safety data report for the product Microtox P and a data report for sodium hypochlorite.

In a July 13, 2010 note, Dr. Gombako-Amos excused appellant from work for the period July 13 to August 4, 2010. He did not provide a reason, diagnosis or explain how disability was related to this claim.

In a November 23, 2010 certificate of incapacity, Dr. John Johnson, Board-certified in family medicine, reported that appellant had been under his care from November 23 to 27, 2010 and could return to work on November 29, 2010.

In a November 30, 2010 certificate of incapacity, Dr. James Hodges, Board-certified in otolaryngology, reported that appellant could return to work on December 1, 2010.

By letter dated December 10, 2010, Dr. Gerald J. Calegan, Board-certified in neurology, reported that appellant should no longer work in the poultry processing plant. He opined that the chemicals used in the plant were causing and inducing neurologic symptoms which were intolerable.

In a January 12, 2011 employing establishment statement, Mr. Stafford reported that appellant had been performing duties as a food inspector since March 23, 2003. He went on to describe the use of chemicals in the plant, safety requirements and provided a list of her absences.

By decision dated February 15, 2011, OWCP denied appellant's claim finding that the medical evidence did not demonstrate that her condition was causally related to the established work-related events.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA 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 FECA; 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 or specific condition for which compensation is claimed is causally related to the employment injury.<sup>4</sup> These are the essential elements of every compensation claim regardless of whether the claim is predicated on a traumatic injury or occupational disease.<sup>5</sup>

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<sup>4</sup> Gary J. Watling, 52 ECAB 278 (2001); Elaine Pendleton, 40 ECAB 1143, 1154 (1989).

<sup>5</sup> Michael E. Smith, 50 ECAB 313 (1999).

In order to determine whether an employee actually sustained an injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.<sup>6</sup> The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence.

To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background, supporting such a causal relationship.<sup>7</sup> 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. This medical opinion must include an accurate history of the employee's employment injury and must explain how the condition is related to the injury. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.<sup>8</sup>

### ANALYSIS

OWCP accepted that appellant was exposed to chemicals and gas vapors as a food inspector. It denied her claim, however, because it found the evidence failed to establish a causal relationship between those activities and her accepted condition. The Board finds that the medical evidence of record is insufficient to establish that appellant sustained an injury causally related to factors of her employment as a food inspector.

By letter dated December 10, 2010, Dr. Calegan reported that appellant should no longer work in the poultry processing plant. He opined that the chemicals used in the plant were causing and inducing neurologic symptoms which were intolerable.

The Board finds that the opinion of Dr. Calegan is not well rationalized because he failed to provide a firm diagnosis of appellant's condition other than describing her neurologic symptoms. Dr. Calegan did not provide a medical history or explain how any of the chemicals used at the plant caused or contributed to her symptoms. Without a diagnosis or explanation on causation, his broad statement that appellant's condition was work related does not support the conclusion that employment exposure caused an injury. Medical reports without adequate rationale on causal relationship are of diminished probative value and do not meet her burden of

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<sup>6</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>7</sup> *See* 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983).

<sup>8</sup> *James Mack*, 43 ECAB 321 (1991).

proof.<sup>9</sup> Dr. Calegan's report is not probative because it lacks a clear diagnosis and it does not adequately explain the cause of appellant's condition.<sup>10</sup>

In April 30 to November 8, 2010 medical reports, Dr. Harrell reported that she treated appellant due to complaints of burning red eyes. Appellant attributed her condition to her work conditions. Dr. Harrell diagnosed blepharitis, external in the right and left eye.

While Dr. Harrell listed a diagnosis, she did not provide a rationalized opinion on causal relation. She did not state that appellant's blepharitis was caused by her work conditions or offer a rationalized opinion on causation.<sup>11</sup> Rather, Dr. Harrell only noted that appellant attributed her injury to her work conditions. Without medical reasoning explaining how appellant's employment factors might have caused her blepharitis, her reports are insufficient to meet appellant's burden of proof.<sup>12</sup>

The remaining medical evidence of record is insufficient to establish causal relationship. By letter dated November 22, 2010, Dr. Zeidman reported that appellant complained of headache and respiratory symptoms due to reported exposure to chemicals at work. By letter dated November 24, 2010, Dr. Gombako-Amos reported that she experienced a worsening of her allergies which she believed were a result of chlorine and other chemicals from work. Appellant also submitted excuse from work notes and certificates of incapacity from Dr. Gombako-Amos, Dr. Johnson and Dr. Hodges.

None of these physicians' reports provide any diagnosis or detail regarding appellant's medical condition. It becomes almost impossible to establish causal connection because these physicians' have not identified a medical condition. Thus, these medical reports do not constitute probative medical evidence because they fail to provide a clear diagnosis and do not adequately explain the cause of appellant's condition.<sup>13</sup>

Appellant's belief that work caused her medical problems is not in question, but that belief, however sincerely held, does not constitute the medical evidence necessary to establish causal relationship. The record lacks adequate rationalized medical evidence to establish a causal relationship between the accepted factors of employment and appellant's headaches, skin irritation, eye conditions and respiratory symptoms. Thus, appellant has failed to meet her burden of proof.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

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<sup>9</sup> *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

<sup>10</sup> *Id.*

<sup>11</sup> *Franklin D. Haislah*, 52 ECAB 457 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value); *Jimmie H. Duckett*, 52 ECAB 332 (2001).

<sup>12</sup> *C.B.*, Docket No. 08-1583 (issued December 9, 2008).

<sup>13</sup> *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

**CONCLUSION**

The Board finds that appellant did not meet her burden of proof to establish that her headaches, skin irritation, eye conditions and respiratory symptoms are causally related to factors of her employment as a food inspector.

**ORDER**

**IT IS HEREBY ORDERED THAT** the February 15, 2011 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 21, 2011  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

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

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