

his right eye on July 16, 2012 because the stress of driving under hazardous road conditions while hauling heavy equipment caused his blood pressure to rise.²

In a September 24, 2012 report, Dr. Henry A. Ferreyra, a Board-certified ophthalmologist, opined that appellant had a central retinal artery occlusion in his right eye on July 17, 2012 which was most likely related to carotid atherosclerosis, with additional systemic risk factors of hypertension and left ventricular hypertrophy, and was not a direct result of work-related stress.

A July 17, 2012 hospital report, received by OWCP on October 1, 2012, indicated that appellant was admitted to the emergency room on July 17, 2012 with a cherry spot in his eye and an ischemic retina. He was diagnosed with central retinal artery occlusion in his right eye. OWCP also received hospital records from August 2012 which indicated that he received treatment and testing, including a diagnostic cerebral angiogram, for his central retinal artery occlusion.

Appellant submitted numerous medical, diagnostic and hospital reports from 2006.

On August 29, 2012 OWCP advised appellant that it required additional factual and medical evidence to determine whether he was eligible for compensation benefits. It asked him to submit a comprehensive medical report from his treating physician describing his symptoms and the medical reasons for his condition, an opinion as to whether his claimed condition was causally related to his federal employment and a diagnosis of his claimed condition. OWCP requested that appellant submit the additional evidence within 30 days.

By decision dated February 5, 2013, OWCP denied appellant's claim, finding that he failed to submit sufficient medical evidence in support of his claim that he sustained a condition in the performance of duty.

LEGAL PRECEDENT

An employee seeking benefits under the FECA³ has the burden of establishing that 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 timely filed within the applicable time limitation period of FECA, that an injury was sustained 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.⁴ These are the essential elements of each and every

² The Board notes that OWCP adjudicated this claim as one based on traumatic injury. Appellant filed a Form CA-2 for occupational disease but alleged that his stress, blood clot, stroke and loss of vision in his right eye occurred as a result of duties performed on July 16, 2012, not a period of days. 20 C.F.R. § 10.5(q).

³ 5 U.S.C. §§ 8101-8193.

⁴ *Joe Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a “fact of injury” has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁶ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁷ The medical evidence required to establish causal relationship is usually rationalized medical 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.⁸

The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁹

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant’s condition became apparent during a period of employment nor is the belief that his condition was caused, precipitated or aggravated by his employment sufficient to establish causal relationship.¹⁰ Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence.

ANALYSIS

OWCP accepted that appellant experienced rising blood pressure, blood clot, stroke and loss of vision in his right eye while hauling heavy equipment on July 16, 2012 under hazardous road conditions. The question of whether an employment incident caused a personal injury can only be established by probative medical evidence.¹¹ Appellant has not submitted rationalized, probative medical evidence to establish that the July 16, 2012 employment factors would have been competent to cause the claimed injury.

⁵ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁶ *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *Id.* For a definition of the term “injury,” see 20 C.F.R. § 10.5(a)(14).

⁸ *Id.*

⁹ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

¹⁰ *Id.*

¹¹ *Carlone*, *supra* note 6.

The only report bearing on causal relationship is that of Dr. Ferreyra, dated September 24, 2012. Dr. Ferreyra advised that appellant experienced a central retinal artery occlusion in his right eye on July 17, 2012. He stated that this event was most likely related to carotid atherosclerosis, with additional systemic risk factors of hypertension and left ventricular hypertrophy. Dr. Ferreyra opined, however, that this was not the direct result of work-related stress. Thus, this report did not relate any diagnoses to the July 16, 2012 incident at work. The weight of medical opinion is determined by the opportunity for and thoroughness of examination, the accuracy and completeness of physician's knowledge of the facts of the case, the medical history provided, the care of analysis manifested and the medical rationale expressed in support of stated conclusions.¹² Although Dr. Ferreyra presented a diagnosis of appellant's condition, he did not present an opinion that this condition was causally related to the July 16, 2012 work incident. None of the diagnostic test results and hospital treatment notes that appellant submitted contained an opinion pertaining to causal relationship. The medical reports of record do not explain how, medically, appellant would have sustained a central retinal artery occlusion in his right eye caused or aggravated by the stressful driving conditions of July 16, 2012.

OWCP advised appellant of the evidence required to establish his claim; however, appellant failed to submit such evidence. Appellant did not provide a medical opinion which described or explained the medical process through which the July 16, 2012 work factors would have caused the claimed injury. Accordingly, he did not establish that he sustained an injury in the performance of duty. OWCP properly denied appellant's claim for compensation.

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.

CONCLUSION

The Board finds that appellant has failed to establish that he sustained an injury in the performance of duty on July 16, 2012.

¹² See *Anna C. Leanza*, 48 ECAB 115 (1996).

ORDER

IT IS HEREBY ORDERED THAT the February 5, 2013 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 7, 2013
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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