

Medical notes for the period July 22, 2011 to May 21, 2012 from Dr. Margaret Napolitano, a Board-certified surgeon, found bilateral first annular pulley tenderness and other visible trigger thumb symptoms on examination and diagnosed bilateral trigger thumb.²

In an August 9, 2012 letter, OWCP informed appellant that additional evidence was needed to establish her claim. It afforded her 30 days to submit a report from a qualified physician explaining how her federal employment caused or contributed to the diagnosed injury. Appellant thereafter submitted an undated factual statement.³

By decision dated October 22, 2012, OWCP denied appellant's claim, finding the medical evidence insufficient to establish that the accepted work factors caused or contributed to bilateral trigger thumb.

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 timely filed within the applicable time limitation period, that an injury was sustained in the performance of duty as alleged and that any disabilities and/or specific conditions for which compensation is claimed are causally related to the employment injury.⁴ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

Whether an employee actually sustained an injury in the performance of duty begins with an analysis of whether fact of injury has been established.⁶ To establish fact of injury in an occupational disease claim, 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.⁷

Rationalized medical opinion evidence is generally required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, must be one of reasonable medical certainty and must be supported by medical

² The case record also contains Dr. Napolitano's notes for the period November 13, 2006 to March 27, 2009 pertaining to carpal tunnel syndrome. This condition is not presently before the Board.

³ Appellant's statement reiterated her job duties.

⁴ *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

⁶ *See S.P.*, 59 ECAB 184, 188 (2007).

⁷ *See R.R.*, Docket No. 08-2010 (issued April 3, 2009); *Roy L. Humphrey*, 57 ECAB 238, 241 (2005).

rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁸

ANALYSIS

The case record supports that appellant routinely delivered and cased mail at work. Dr. Napolitano's notes for the period July 22, 2011 to May 21, 2012 diagnosed bilateral trigger thumb. She did not address how appellant's work as a letter carrier caused her condition. The Board finds that appellant did not establish her occupational disease claim because the medical evidence does not state that her accepted work activities resulted in bilateral trigger thumb. Although Dr. Napolitano's detailed her examination findings, she did not pathophysiologically explain how regular delivery and casing of mail caused or contributed to the diagnosed condition.⁹ In the absence of such evidence, appellant failed to discharge her burden of proof.

The Board notes that appellant submitted new evidence on appeal and after issuance of the October 22, 2012 decision. The Board lacks jurisdiction to review evidence for the first time on appeal.¹⁰

Appellant may submit new evidence or argument as part of a formal 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 did not establish that she sustained an occupational disease while in the performance of duty.

⁸ *I.J.*, 59 ECAB 408 (2008); *supra* note 5.

⁹ *Joan R. Donovan*, 54 ECAB 615, 621 (2003); *Ern Reynolds*, 45 ECAB 690, 696 (1994). *See also John W. Montoya*, 54 ECAB 306 (2003) (a physician's opinion must discuss whether the employment factors described by the claimant caused or contributed to the diagnosed medical condition).

¹⁰ 20 C.F.R. § 501.2(c).

ORDER

IT IS HEREBY ORDERED THAT the October 22, 2012 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 28, 2013
Washington, DC

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

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

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