

nerve due to his employment duties of drilling, hammering, bending, twisting, pulling wires and moving equipment. He stated that his medical evidence was submitted with a notice of recurrence of disability.

In a letter dated October 10, 2012, OWCP advised appellant that he had not submitted any documentation with his claim form. It requested additional factual and medical evidence in support of his occupational disease claim within 30 days. Appellant did not respond.

By decision dated December 20, 2012, OWCP denied appellant's claim finding that he failed to submit any factual or medical evidence in support of his claim.²

LEGAL PRECEDENT

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; (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 employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.³

ANALYSIS

Appellant submitted a claim for occupational disease alleging that he developed back and leg pain due to his employment duties. He did not submit any evidence in support of his claim. As appellant failed to submit factual and medical evidence in support of his claim, he has failed to establish a *prima facie* claim for an occupational disease claim.⁴ The Board finds that appellant has failed to meet his burden of proof to establish that he developed an occupational disease as a result of his federal employment.

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.

² On appeal to the Board appellant submitted new evidence. As OWCP did not consider this evidence in reaching a final decision, the Board may not consider it for the first time on appeal. 20 C.F.R. § 501.2(c)(1).

³ *Lourdes Harris*, 45 ECAB 545, 547 (1994).

⁴ *See Donald W. Wenzel*, 56 ECAB 390 (2005).

CONCLUSION

The Board finds that appellant failed to submit any evidence in support of his occupational disease claim and therefore failed to meet his burden of proof.

ORDER

IT IS HEREBY ORDERED THAT the December 20, 2012 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 14, 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