

In a January 13, 2014 letter, OWCP advised appellant that the evidence submitted was insufficient to establish her claim. It asked her to submit factual and medical evidence, including a detailed description of the employment-related activities that she believed contributed to her claimed condition.

Appellant submitted an unsigned medical report dated January 9, 2014 which contained the printed name of Dr. Steven B. Huish, a Board-certified orthopedic hand surgeon. It stated that appellant was a mail carrier at the employing establishment and complained of bilateral hand pain and numbness. The report listed findings on physical and x-ray examination. Appellant was diagnosed as having bilateral carpal tunnel syndrome and right *de Quervain's* related to her employment. An electromyography and nerve conduction studies (EMG/NCS) of the upper extremities were recommended.

Diagnostic testing of appellant's upper extremities was obtained on January 10, 2014, which found all distal latencies, conduction velocities and F-wave latencies normal and symmetric. There was no evidence suggestive of median or ulnar neuropathy or cervical radiculopathy. A repeat study was recommended in three to six months if appellant's history and examination remained suggestive of median neuropathy at the wrist.

An unsigned report dated January 14, 2014 which contained Dr. Huish's printed name found that appellant's EMG/NCS did not show significant nerve compression at the wrist.

By decision dated February 26, 2014, OWCP denied appellant's claim on the basis that the evidence submitted was insufficient to establish fact of injury. It found that she did not establish employment activities that contributed to her claimed condition.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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 of FECA and that an injury³ was sustained in the performance of duty. These are the essential elements of each compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To establish that an injury was sustained in the performance of duty in a claim for an occupational disease claim, 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

² *Id.*

³ OWCP regulations define an occupational disease or illness as a condition produced by the work environment over a period longer than a single workday or shift. 20 C.F.R. § 10.5(q).

⁴ *See O.W.*, Docket No. 09-2110 (issued April 22, 2010); *Ellen L. Noble*, 55 ECAB 530 (2004).

evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.⁵

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical evidence. 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.⁶

ANALYSIS

The Board finds that appellant failed to establish an injury while in the performance of duty causally related to factors of her federal employment. Appellant's claim form generally referred to repetitive motion as a factor of employment that she believed caused her claimed conditions. OWCP's January 13, 2014 developmental letter specifically requested that appellant provide a detailed description of the employment-related activities which she believed contributed to her condition. Appellant did not respond with any additional factual evidence. As part of her burden of proof, appellant must provide a detailed description of the employment factors or conditions that she believes caused or adversely affected the condition or conditions for which compensation is claimed.⁷ The Board finds, therefore, that she has not established the alleged employment activities. Appellant failed to meet her burden of proof.⁸

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 not met her burden of proof to establish that she sustained an injury in the performance of duty causally related to factors of her federal employment.

⁵ See *D.R.*, Docket No. 09-1723 (issued May 20, 2010). See also *Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁶ See *O.W.*, *supra* note 4.

⁷ *Penelope C. Owens*, 54 ECAB 684 (2003).

⁸ Since appellant did not establish the factual component of fact of injury, it is not necessary for the Board to consider the medical evidence with respect to causal relationship. *D.F.*, Docket No. 10-1774 (issued April 18, 2011).

ORDER

IT IS HEREBY ORDERED THAT the February 26, 2014 decision of the Office of Workers' Compensation Programs is affirmed.⁹

Issued: July 6, 2015
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

⁹ Michael E. Groom, Alternate Judge, participated in the preparation of this decision, but was no longer a member of the Board effective December 27, 2014.