

FACTUAL HISTORY

On June 5, 2015 appellant, a 54-year-old distribution clerk, filed an occupational disease claim (Form CA-2). She explained that 31 years of repetitive motions while sorting and distributing letters caused neck, shoulder, and back pain. Appellant did not stop work.

On June 12, 2015 OWCP advised appellant that it required factual and medical evidence to determine whether she was eligible for compensation benefits. It asked her to submit a comprehensive report from a treating physician describing her medical condition, with an opinion as to whether her claimed condition was causally related to her federal employment. OWCP requested that appellant submit this evidence within 30 days. Appellant did not submit any evidence in response to this request.

By decision dated July 14, 2015, OWCP denied the claim finding that appellant failed to submit medical evidence establishing a medical condition in the performance of duty.

LEGAL PRECEDENT

An employee seeking benefits under 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 compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

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 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

³ 5 U.S.C. §§ 8101-8193.

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

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

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.⁶

ANALYSIS

In the instant case, appellant has explained that she performed repetitive duties for 31 years as a distribution clerk sorting and distributing mail, which caused injuries to her neck, shoulders, and back. She has not, however, submitted the necessary medical evidence to establish an injury in the performance of her federal employment duties.

OWCP advised appellant of the medical evidence required to establish her claim. However, appellant failed to submit such evidence. Consequently, she has not met her burden of proof in establishing an injury in the performance of her federal employment.

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 the belief that her condition was caused, precipitated, or aggravated by her employment is sufficient to establish causal relationship.⁷ No matter how sincere appellant's belief that an injury was sustained as a result of her federal duties, causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence.

CONCLUSION

The Board finds that appellant has failed to meet her burden of proof to establish an injury in the performance of duty.

⁶ *Id.*

⁷ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the July 14, 2015 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: October 9, 2015
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board