



packages, and lifting sacks of mail in the performance of her federal employment duties. She first became aware of her claimed condition on June 24, 2014 and of its relationship to her federal employment on November 2, 2015. A supervisor noted that an employing establishment controversion would be forthcoming because there was no medical evidence to support her claimed conditions or a causal relationship between such conditions and her federal employment.

By letter dated November 13, 2015, the employing establishment controverted appellant's occupational disease claim. It contended that appellant had not submitted any medical evidence to establish the claimed conditions as diagnosed by a physician, nor had appellant submitted a report containing a rationalized medical opinion from a physician on the issue of the causal relationship between the identified factors of her federal employment and the claimed conditions.

On November 23, 2015 OWCP requested that appellant submit additional factual and medical evidence in support of her claim. It noted that appellant had not submitted any medical evidence from a physician and asked that appellant respond timely to its inquiries. Appellant was afforded 30 days to submit this additional evidence, no response was received. OWCP also sent a letter to the employing establishment requesting that it respond to its inquiries regarding appellant's duties of employment.

By decision dated December 24, 2015, OWCP denied appellant's claim for compensation. It found that she had not submitted any evidence containing a diagnosis related to her alleged work factors and, thus, fact of injury had not been established.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA has the burden of proof to establish 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 filed within the applicable time limitation, that an injury was sustained while in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>2</sup> These are the essential elements of every compensation claim regardless of whether the claim is predicated on a traumatic injury or occupational disease.<sup>3</sup>

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

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<sup>2</sup> Gary J. Watling, 52 ECAB 278, 279 (2001); Elaine Pendleton, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> Michael E. Smith, 50 ECAB 313, 315 (1999).

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.<sup>4</sup>

### **ANALYSIS**

Appellant alleged lower back, right leg, and right hip conditions from bending, lifting packages, and lifting sacks of mail during the course of her federal employment. The Board finds that appellant did not submit any evidence from a qualified physician to establish the existence of her claimed conditions. Before a determination can be made that an alleged condition was causally related to employment duties, the evidence must establish a diagnosed condition.<sup>5</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed.<sup>6</sup> Without such medical evidence from a qualified physician containing a diagnosis related to the conditions claimed, appellant has not established the existence of the conditions claimed. As such, appellant has failed to establish that she had any diagnosed condition resulting from duties of her federal employment and has not met her burden of proof.

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 did not meet her burden of proof to establish lower back, right leg, and right hip conditions causally related to factors of her federal employment.

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<sup>4</sup> *R.H.*, 59 ECAB 382 (2008); *Ernest St. Pierre*, 51 ECAB 623 (2000).

<sup>5</sup> *Supra* note 4.

<sup>6</sup> *Id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated December 24, 2015 is affirmed.

Issued: June 20, 2016  
Washington, DC

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

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

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