

FACTUAL HISTORY

On April 4, 2016 appellant, then a 54-year-old sales and services associate, filed an occupational disease claim (Form CA-2) for a left thumb condition that she attributed to repetitive motion in her duties of federal employment. She indicated that she first became aware of her condition on March 28, 2016.

By letter dated April 18, 2016, OWCP advised appellant that it required additional factual and medical evidence to determine whether she was eligible for FECA benefits. It noted it had not received any other documentation with appellant's claim form. In a separate questionnaire, OWCP asked appellant to provide a detailed description of the employment-related activities she believed contributed to her condition, as well as to provide information regarding the frequency and duration of the activities. It afforded appellant at least 30 days to submit the requested information.

An April 12, 2016 duty status report (Form CA-17) included a diagnosis of left trigger thumb. The date of injury was March 16, 2016, and the reported history of injury was "Fell on outstretched hand" and "repetitive gripping." The healthcare provider's signature was illegible.

No additional factual or medical evidence was received within the allotted 30-day time frame.

By decision dated June 9, 2016, OWCP denied appellant's claim because "the evidence [did] not support that the injury and/or events occurred."

LEGAL PRECEDENT

A claimant seeking benefits under FECA has the burden of proof to establish the essential elements of his/her claim by the weight of the reliable, probative, and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.³

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (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

³ 20 C.F.R. § 10.115(e), (f); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996). Causal relationship is a medical question, which generally requires rationalized medical opinion evidence to resolve the issue. See *Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on whether there is a causal relationship between the diagnosed condition and the implicated employment factors must be based on a complete factual and medical background. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors. *Id.*

occurrence of the disease or condition; and (3) medical evidence establishing that the diagnosed condition is causally related to the identified employment factors.⁴

ANALYSIS

In the instant case, OWCP denied appellant's claim because she failed to identify employment factors alleged to have caused or contributed to her claimed left thumb condition. On her April 4, 2016 Form CA-2 appellant indicated her injury was due to "repetitive movement." However, she did not identify any particular employment duties that required repetitive hand/wrist/thumb movements. On April 18, 2016 OWCP informed appellant of the deficiencies in her claim and specifically requested that she provide a detailed description of the employment-related activities or incidents she believed contributed to her claimed left thumb condition. The only evidence received was an April 12, 2016 duty status report which suggested a fall. As noted, appellant's burden of proof includes submission of a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition.⁵ Under the circumstances, her mere notation of "repetitive movement" on the Form CA-2 and the contrary evidence of the Form CA-17 will not suffice. Accordingly, OWCP properly denied appellant's occupational disease claim.

CONCLUSION

The Board finds that appellant has failed to meet her burden of proof to establish an injury in the performance of duty on or about March 28, 2016.

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.

⁴ *Victor J. Woodhams, id.*

⁵ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the June 9, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 3, 2017
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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