

FACTUAL HISTORY

On July 1, 2016 appellant, then a 52-year-old time and leave clerk, filed an occupational disease claim (Form CA-2) alleging that she injured her lower back on or about June 16, 2016. She attributed her lower back condition to using her office desk chair.

Evidence submitted with the claim included an application for employment, a position description, a January 10, 2016 notification of personnel action, and a June 23, 2016 incident report, which noted that appellant had an ergonomic chair with lumbar support that she claimed no longer worked and had exchanged it for a different chair.

In a July 14, 2016 letter, OWCP advised appellant of the deficiencies in the claim and afforded her 30 days to submit additional evidence. Appellant was asked to submit additional factual and medical evidence, including her responses to a development questionnaire.

On July 27, 2016 appellant responded to OWCP's development questionnaire. She indicated that she worked on the computer five days a week, eight hours a day and while sitting on a chair with limited stand and break time. Appellant stated that, from 2007 to June 16, 2016, she had a chair with no support curve. She further indicated that she was uncomfortable and in pain for two weeks until a new chair was ordered. No other evidence was submitted.

By decision dated August 17, 2016, OWCP denied appellant's claim. It found that the medical component of fact of injury had not been met as appellant had submitted no medical evidence containing a diagnosis in connection with the employment factors.

LEGAL PRECEDENT

A claimant seeking benefits under FECA has the burden of proof to establish the essential elements of his or 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 occurrence of the disease or condition, and (3) medical evidence establishing that the diagnosed condition is causally related to the identified employment factors.⁴

³ 20 C.F.R. § 10.115(e), (f); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

⁴ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

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.⁵ 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.⁶

ANALYSIS

Appellant alleged that she developed back pain for approximately two weeks as a result of sitting in her chair for eight hours a day while performing her work duties. She alleged her chair had no support curve. The evidence supports that appellant's work duties primarily required computer work, for which she remained seated. However, appellant has failed to submit any medical evidence to establish a back condition.

As there is no medical evidence explaining how sitting in a nonergonomic chair for two weeks caused or aggravated a medical condition involving her back, appellant has not met her burden of proof to establish her claim.⁷

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.

⁵ *Id.*

⁶ *Id.*

⁷ *See K.G.*, Docket No. 15-1139 (issued September 28, 2016).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish an injury causally related to factors of her federal employment.

ORDER

IT IS HEREBY ORDERED THAT the August 17, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 9, 2017
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board