

FACTUAL HISTORY

On July 6, 2016 appellant, then a 26-year-old transportation security officer, filed an occupational disease claim (Form CA-2) alleging that she sustained bilateral plantar fasciitis as a result of standing for long periods of time. She stopped work on July 6, 2016. The record does not indicate whether appellant returned to work.

By letter dated July 19, 2016, OWCP advised appellant that no evidence had been submitted to establish her occupational disease claim. It requested that she submit additional medical evidence to establish a diagnosed medical condition causally related to factors of her employment. Appellant was afforded 30 days to submit the requested information. No additional evidence was received by OWCP.

OWCP denied appellant's claim in a decision dated August 22, 2016. It accepted that she engaged in employment duties as a security officer, but denied her claim because the medical evidence of record failed to establish a diagnosed condition causally related to the accepted employment factors. OWCP noted that appellant had failed to submit any medical evidence to support her claim.

LEGAL PRECEDENT

An employee 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 evidence³ including that he or she sustained an injury in the performance of duty and that any specific condition or disability for work for which he or she claims compensation is causally related to that employment injury.⁴ In an occupational disease claim, appellant's burden requires submission of 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 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 opinion evidence.⁶ 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

³ *J.P.*, 59 ECAB 178 (2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

⁴ *M.M.*, Docket No. 08-1510 (issued November 25, 2010); *G.T.*, 59 ECAB 447 (2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁵ *R.H.*, 59 ECAB 382 (2008); *Ernest St. Pierre*, 51 ECAB 623 (2000).

⁶ *I.R.*, Docket No. 09-1229 (issued February 24, 2010); *D.I.*, 59 ECAB 158 (2007).

nature of the relationship between the diagnosed condition and the specific employment factors identified by the employee.⁷

ANALYSIS

Appellant alleged that she developed bilateral plantar fasciitis as a result of her employment as a transportation security officer. OWCP accepted that she engaged in employment duties as a security officer, but denied her claim because the medical evidence of record failed to establish a diagnosed condition causally related to the accepted factors of employment. The Board finds that appellant failed to meet her burden of proof to establish an occupational disease causally related to her accepted employment duties.

The evidence of record reveals that appellant submitted no medical evidence to establish her claim. The Board has found that a claimant generally cannot meet the burden of proof where there has been no medical evidence preferred.⁸

The Board finds, therefore, that OWCP properly denied appellant's occupational disease claim because she failed to submit medical evidence to establish a causal relationship between a diagnosed medical condition and her accepted employment duties. The mere fact that work activities may produce symptoms revelatory of an underlying condition does not raise an inference of an employment relation. Such a relationship must be shown by rationalized medical evidence of a causal relation based upon a specific and accurate history of employment conditions which are alleged to have caused or exacerbated a disabling condition.⁹ Because the evidence of record does not contain such rationalized medical evidence, the Board finds that appellant has not met her burden of proof to establish her claim.

On appeal, appellant contends that she was present when her attending physician sent her medical records to the Department of Labor and that she had retained copies of the documents that were sent. The Board has reviewed the evidence of record, however, and notes that OWCP did not receive any medical evidence before it issued its decision on August 22, 2016. Accordingly, appellant failed to meet 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. §§ 10.606 through 10.607.

CONCLUSION

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

⁷ *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 465 (2005).

⁸ *See A.C.*, Docket No. 11-2023 (issued April 20, 2012); *Donald W. Wenzel*, 56 ECAB 390 (2005).

⁹ *Patricia J. Bolleter*, 40 ECAB 373 (1988).

ORDER

IT IS HEREBY ORDERED THAT the August 22, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 2, 2017
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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