



her abdomen. She related that her work duties aggravated her back pain over the years, and on January 21, 2022 her condition was triggered when she lifted heavy bundles of magazines. Appellant noted that she first became aware of her condition on January 21, 2022 and realized their relation to her federal employment on January 22, 2022. She did not stop work.

In support of her claim, appellant submitted a January 24, 2022 note from Dr. Farzin Namei, a Board-certified family physician, holding her off work until February 7, 2022. In a referral order of even date, Dr. Namei diagnosed low back pain and referred her for physical therapy.

In a February 8, 2022 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and provided a factual questionnaire for her completion. In a separate development letter of even date, OWCP requested that the employing establishment provide additional information including comments from a knowledgeable supervisor. It afforded both parties 30 days to submit the necessary evidence. Appellant did not respond.

By decision dated March 15, 2022, OWCP denied appellant's occupational disease claim, finding that she had not submitted sufficient evidence to establish the implicated factors of her federal employment. It noted that she did not respond to its developmental questionnaire. Consequently, OWCP found that appellant had not met the requirements to establish an injury as defined by FECA.

On March 23, 2022 appellant requested reconsideration of the March 15, 2022 decision and submitted additional evidence.

In a January 24, 2022 work excuse note, Dr. Namei related that he treated appellant for a back injury sustained at work. He diagnosed extreme low back pain, and noted that she experienced limited range of motion, and was unable to stand for long periods of time or lift anything. Dr. Namei referred appellant to physical therapy and held her off work until April 1, 2022.

In a January 24, 2022 note, Dr. Namei related that he treated appellant for work-related back injuries which were caused by repetitive and strenuous heavy lifting, bending, and pushing. He diagnosed extreme low back pain and explained that her diagnosis was aggravated by pushing and pulling heavy bundled packages while performing her daily work duties. Dr. Namei related that he originally began treating appellant for a work-related injury in April 2016, and noted that prolonged standing, lifting, and bending had lengthened her healing time. He indicated that she should refrain from work until she has had sufficient time to recover.

In return-to-work notes dated March 7, 2022, Dr. Namei noted that he treated appellant that day and held her off work until May 4, 2022.

By decision dated June 14, 2022, OWCP modified its March 15, 2022 decision to find that the employment factors occurred, as alleged. However, the claim remained denied, as appellant had not submitted evidence containing a medical diagnosis from a qualified physician in connection with the accepted factors of her federal employment. Consequently, OWCP found that the requirements had not been met to establish an injury as defined by FECA.

## LEGAL PRECEDENT

An employee seeking benefits under FECA<sup>2</sup> has the burden of proof to establish the essential elements of his or her claim, including 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 of FECA,<sup>3</sup> that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.<sup>4</sup> 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.<sup>5</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, an employee must submit 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.<sup>6</sup>

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>7</sup> 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 nature of the relationship between the diagnosed condition and the specific employment factor(s) identified by the employee.<sup>8</sup>

## ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition in connection with the accepted factors of her federal employment.

In support of her claim, appellant submitted records dated January 24, 2022, in which Dr. Namei diagnosed low back pain and related that he treated her for a work-related back injury

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<sup>2</sup> *Supra* note 1.

<sup>3</sup> *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>4</sup> *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>5</sup> *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>6</sup> *T.D.*, Docket No. 20-0921 (issued November 12, 2020); *M.S.*, Docket No. 18-1554 (issued February 8, 2019). *See also Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>7</sup> *S.A.*, Docket No. 18-0399 (issued October 16, 2018); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>8</sup> *M.V.*, Docket No. 18-0884 (issued December 28, 2018); *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, *supra* note 6.

caused by repetitive and strenuous heavy lifting, bending, and pushing. The Board has consistently held that pain is a symptom and not a compensable medical diagnosis.<sup>9</sup> Accordingly, Dr. Namei's reports are insufficient to satisfy appellant's burden of proof.<sup>10</sup>

Similarly, appellant submitted January 24 and March 7, 2022 return-to-work notes from Dr. Namei holding her off work until May 4, 2022. The Board has held that a medical report is of no probative value if it does not provide a firm diagnosis of a particular medical condition.<sup>11</sup> As Dr. Namei did not diagnose a medical condition in these notes, this evidence is insufficient to establish appellant's claim.<sup>12</sup>

As the medical evidence of record is insufficient to establish a diagnosed medical condition in connection with the accepted factors of her federal employment, the Board finds that appellant 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 has not met her burden of proof to establish a diagnosed medical condition in connection with the accepted factors of her federal employment.

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<sup>9</sup> *J.P.*, Docket No. 20-0381 (issued July 28, 2020); *S.L.*, Docket No. 19-1536 (issued June 26, 2020); *D.Y.*, Docket No. 20-0112 (issued June 25, 2020); *Deborah L. Beatty*, 54 ECAB 340 (2003). *See also Larry M. Leudtke*, Docket 03-1564 (issued September 2, 2003) (where the Board found that headache described a symptom and did not constitute a firm diagnosis of a medical condition).

<sup>10</sup> *R.H.*, Docket No. 21-1382 (issued March 7, 2022); *S.E.*, Docket No. 21-0666 (issued December 28, 2021).

<sup>11</sup> *A.R.*, Docket No. 19-1560 (issued March 2, 2020); *V.B.*, Docket No. 19-0643 (issued September 6, 2019).

<sup>12</sup> *Id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the June 14, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 12, 2023  
Washington, DC

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

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

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board