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C.M., Appellant)	
)	
and)	Docket No. 25-0252
)	Issued: February 21, 2025
DEPARTMENT OF VETERANS AFFAIRS,)	
EAST ORANGE VA MEDICAL CENTER,)	
East Orange, NJ, Employer)	
)	

Case Submitted on the Record

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On January 27, 2025 appellant filed a timely appeal from an August 30, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

The issue is whether appellant has met her burden of proof to establish a diagnosed medical condition in connection with the accepted employment factor.

² The Board notes that, following the August 30, 2024 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On May 29, 2024 appellant, then a 53-year-old nurse, filed an occupational disease claim (Form CA-2) alleging that she developed pain in the left leg and hip due to factors of her federal employment including ascending and descending stairs while at work. She noted that she first became aware of her condition on April 30, 2024, and realized its relation to her federal employment on May 21, 2024. Appellant did not stop work.

In a letter dated June 3, 2024, the employing establishment controverted the claim noting that there was no medical documentation of a diagnosis to determine if appellant's pain was related to a work-related condition or a preexisting medical condition.

In a June 6, 2004 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence. No additional evidence was received.

In a follow-up letter dated June 28, 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the June 6, 2004 letter to submit the requested supporting evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

On August 29, 2024, OWCP received appellant's responses to the questionnaire. Appellant explained that she was previously trapped in an elevator and since May 2023 and as a result she stopped taking elevators and walked up and down the stairs while working on a daily basis.

By decision dated August 30, 2024, OWCP denied appellant's occupational disease claim. It found that she had not submitted any medical evidence establishing a medical diagnosis in connection with the accepted employment factors. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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,⁴ 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

³ *Id.*

⁴ See *S.F.*, Docket No. 23-0264 (issued July 5, 2023); *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).

employment injury.⁵ 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.⁶

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (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 identified employment factors.⁷

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁸ The opinion of the physician must be based upon a complete factual and medical background, 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 incident.⁹

ANALYSIS

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

Appellant related that she developed pain in the left leg and hip while ascending and descending stairs at work. In June 6 and 28, 2024 development letters, OWCP advised her of the deficiencies of her claim and the need to submit supporting medical evidence. However, appellant failed to submit any medical evidence prior to OWCP's August 30, 2024 merit decision.

As noted, appellant's burden of proof includes the submission of medical evidence establishing a diagnosed condition for which compensation is claimed and that the diagnosed condition is causally related to the accepted employment factors.¹⁰

⁵ *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).

⁶ *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).

⁷ *T.W.*, Docket No. 20-0767 (issued January 13, 2021); *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *S.C.*, Docket No. 18-1242 (issued March 13, 2019).

⁸ *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see Victor J. Woodhams*, 41 ECAB 345 (1989).

¹⁰ *See B.K.*, Docket No. 24-0728 (issued July 30, 2024); *E.L.*, Docket No. 24-0232 (issued April 9, 2024); *S.C.*, *supra* note 7; *R.H.*, 59 ECAB 382 (2008).

As the evidence of record is devoid of medical evidence establishing a medical diagnosis in connection with the accepted employment factor, the Board finds that appellant did not meet her burden of proof.¹¹

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 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 employment factor.

ORDER

IT IS HEREBY ORDERED THAT the August 30, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 21, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

¹¹ See *J.W.*, Docket No. 24-0028 (issued December 20, 2024); *D.S.*, Docket No. 25-0034 (issued November 18, 2024); *A.C.*, Docket No. 22-1195 (issued January 18, 2023); *M.D.*, Docket No. 18-0195 (issued September 13, 2018).