

<sup>2</sup> The Board notes that, following the October 31, 2024 decision, appellant submitted additional evidence to OWCP. 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.*

## **ISSUE**

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

## **FACTUAL HISTORY**

On August 1, 2024 appellant, then a 63-year-old district occupational health nurse administrator, filed an occupational disease claim (Form CA-2) alleging that she sustained bilateral carpal tunnel syndrome due to factors of her federal employment, including repetitive upper extremity motions while working in various positions at the employing establishment. She noted that she first became aware of her condition and realized its relation to her federal employment on October 6, 2023. On the reverse side of the claim form, the employing establishment acknowledged that appellant had last been exposed to the identified work factors on August 1, 2024.

In an August 7, 2024 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 requested evidence. No additional evidence was received.

In a follow-up letter dated August 27, 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 August 7, 2024 letter to submit the requested necessary 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.

Thereafter, OWCP received a copy of appellant's official position description, and an undated supervisory statement indicating that during appellant's 44-year federal career, she performed clerical tasks including keyboarding, simple grasping, fine manipulation, sitting, filing, and minimal lifting.

OWCP also received an April 4, 2024 electromyography and nerve conduction velocity (EMG/NCV) study of the upper extremities, which revealed bilateral carpal tunnel syndrome, and electrodiagnostic evidence suggestive of bilateral cubital tunnel syndrome at the elbows.

OWCP also received an incomplete OWCP development questionnaire, signed by appellant on September 23, 2024.

By decision dated October 31, 2024, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish a medical diagnosis in connection with the accepted factors of her federal employment. It concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

### **LEGAL PRECEDENT**

A claimant seeking benefits under FECA<sup>3</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>4</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>5</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>6</sup>

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.<sup>7</sup>

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>8</sup> 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 factors.<sup>9</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.

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<sup>3</sup> *Supra* note 1.

<sup>4</sup> *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued December 13, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>5</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>6</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>7</sup> *R.E.*, Docket No. 25-0179 (issued January 24, 2025).

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

<sup>9</sup> *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018).

In support of her claim, appellant submitted an EMG/NCV study of the upper extremities dated April 4, 2024. The Board has held, however, that diagnostic studies, standing alone, lack probative value as they do not address whether the accepted employment factors resulted in appellant's diagnosed medical conditions.<sup>10</sup>

The remaining evidence, including the position description, supervisory statement, and uncompleted development questionnaire, are not medical evidence signed by a physician and provided no firm medical diagnosis, medical opinion, or objective findings of any kind.<sup>11</sup> The Board therefore finds that these documents are of no probative value and are insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish a medical diagnosis in connection with the accepted employment factors, the Board finds that appellant has not met her burden of proof.<sup>12</sup>

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>10</sup> *D.M.*, Docket No. 24-0832 (issued September 12, 2024); *L.A.*, Docket No. 22-0463 (issued September 29, 2022); *D.K.*, Docket No. 21-0082 (issued October 26, 2021); *O.C.*, Docket No. 20-0514 (issued October 8, 2020); *R.J.*, Docket No. 19-0179 (issued May 26, 2020).

<sup>11</sup> *L.F.*, Docket No. 19-1845 (issued May 8, 2020).

<sup>12</sup> *D.M.*, *supra* note 10.

**ORDER**

**IT IS HEREBY ORDERED THAT** the October 31, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 19, 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