U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAMELA K. FREEMAN and DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESEARCH SERVICE, Cheyenne, WY

Docket No. 00-909; Submitted on the Record;
Issued February 12, 2001

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof to establish that she sustained an injury causally related to factors of her federal employment.

On September 10, 1999 appellant, then a 38-year-old biological science technician, filed a claim for occupational disease (Form CA-2), alleging that she developed pain, weakness, loss of movement and numbness in her hands as a result of her duties. She stated that her job entailed daily data entry using a computer mouse and other repetitive tasks such as pipetting and weighing samples and field clipping. In support of her claim, appellant submitted a statement from the employing establishment which indicated that ergonomic improvements to appellant's working conditions were being evaluated and implemented. By letter dated September 23, 1999, the Office of Workers' Compensation Programs informed her that the materials submitted with her claim were insufficient to establish that she sustained an injury in the performance of duty and explained that additional medical evidence was needed. The Office requested that appellant submit a comprehensive medical report from her treating physician describing her symptoms, providing a diagnosis and explaining the causal relationship between the diagnosed conditions and factors of her federal employment. On November 1, 1999 the Office received a copy of appellant's job description. By decision dated November 3, 1999, the Office accepted that she actually experienced the claimed employment factors but denied her claim on the grounds that she had not submitted any medical evidence to support her claimed condition.

The Board has duly reviewed the case record on appeal and finds that appellant failed to meet her burden of proof to establish that she sustained an injury causally related to factors of her federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an "employee of the United States within the meaning of the Act," that the claim was filed within the applicable time limitation of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which

compensation is claimed are causally related to the employment injury.[1] These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.[2]

In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components which must be considered in conjunction with one another.[3] The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.[4] In this case, the Office accepted that the first component, the employment incident, occurred as alleged. The second component is whether the employment incident caused a personal injury and this generally can only be established by medical evidence. Causal relationship is a medical issue and the medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence.[5] Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment.[6] The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 established incident or factor of employment.[7]

There is no dispute that appellant established that in the performance of her duties, she engaged in repetitive movements of her hands. She failed however to establish that a causal relationship existed between the factors of her employment and the claimed condition or disability. Because appellant did not submit any medical evidence from a physician who supports his conclusion with sound medical reasoning, the Board will affirm the denial of appellant's claim for compensation.

[1] *Charles E. Evans*, 48 ECAB 692 (1997).

[2] *Id.*

[3] *Neal C. Evins*, 48 ECAB 252 (1996).

[4] *Id.*

[5] *Robert G. Morris*, 48 ECAB 238 (1996).

[6] *Charles E. Evans*, *supra* note 1.

[7] *Id.*

The November 3, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.[8]

Dated, Washington, DC
February 12, 2001

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

[8] The Board notes that the record contains additional factual and medical evidence which was submitted by appellant subsequent to the Office's November 3, 1999 decision. In addition, together with her appeal, appellant submitted additional evidence in support of her claim. The Board notes that it cannot consider evidence submitted subsequent to the Office's November 3, 1999 decision as its review of the case is limited to the evidence of record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Appellant may, by written request, seek reconsideration by the Office and submit relevant and pertinent evidence at that time. 5 U.S.C. § 8128; 20 C.F.R. § 10.606.