

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DOROTHY McCORD and DEPARTMENT OF TREASURY,  
INTERNAL REVENUE SERVICE, Dallas, TX

*Docket No. 01-523; Submitted on the Record;  
Issued September 19, 2001*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant sustained an injury on February 25, 2000 causally related to factors of her federal employment.

On February 25, 2000 appellant, then a 43-year-old CRS, filed a traumatic injury claim alleging that on that same day she sustained an injury to her eyes resulting from a sudden emission of blinding white light from her computer screen. She alleged that, following the incident, "energy left her body." Appellant stopped work immediately and did not return.

On March 14, 2000 the Office of Workers' Compensation Programs advised appellant that additional information was needed in order to make a determination regarding the claim. Appellant submitted an incident report, prescription notes and pharmaceutical documentation regarding medication in response to the Office request. She also submitted a medical note and attending physician's report (Form CA-16) from Dr. Cheryl Snyder, a Board-certified ophthalmologist dated February 28 and March 10, 2000. In the medical note, Dr. Snyder indicated that appellant had a severe migraine and photophobia and recommended a filter for her computer screen for glared light sensitivity. She then noted that appellant could return to work on March 1, 2000. In the attending physician's report, Dr. Snyder described the injury by stating: "Flash from computer -- Burned eyes -- Sent to ER [emergency room] ... weakness, dryness, light sensitivity." She further indicated that she could not answer whether appellant's condition was caused by employment factors. Dr. Snyder noted on the report that appellant had a normal objective eye examination and that all eye structures were normal, however, she believed appellant might have vascular or migraine headaches. She recommended that appellant be seen by a neurologist and family practitioner to determine any disability.

By decision dated April 18, 2000, the Office denied appellant's claim. The Office found that the evidence of record did not support that appellant sustained an injury as a result of her federal employment.

In a letter dated April 24, 2000, received by the Office on May 1, 2000, appellant requested a review of the written record. She submitted evidence already of record and further argued that the medical reports submitted clearly supported her claim.

By decision dated September 14, 2000, an Office hearing representative affirmed the prior decision, finding that Dr. Snyder did not provide an opinion of causal relationship between the diagnosed headaches and photophobia and any employment activity.

The Board finds that appellant has failed to establish that she sustained an injury on February 25, 2000 causally related to factors of her employment.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his or her claim, including the fact 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.<sup>2</sup> The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.<sup>3</sup>

Rationalized medical opinion evidence is medical evidence, which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant,<sup>4</sup> must be one of reasonable medical certainty,<sup>5</sup> and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>6</sup> The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.<sup>7</sup>

In the present case, appellant alleged that she encountered a sudden emission of blinding white light from her computer screen on February 25, 2000, which caused injury to her eyes and weakness in her body. The Office accepted the occurrence of the described employment factor but found that appellant had not submitted sufficient medical evidence to establish that she sustained a traumatic injury due to this factor. Appellant submitted a medical note and attending

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>5</sup> *See Morris Scanlon*, 11 ECAB 384-85 (1960).

<sup>6</sup> *See William E. Enright*, 31 ECAB 426, 430 (1980).

<sup>7</sup> *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

physician's report from Dr. Snyder, a Board-certified ophthalmologist in support of her claim. However, while Dr. Snyder described the history related by appellant of the work event and symptoms, she did not specifically attribute appellant's symptoms to the implicated employment factor and thus her opinion is of little probative value. In fact, she indicated that she could not answer whether appellant's condition was caused by the employment activity in her March 10, 2000 attending physician's report. As such, Dr. Snyder's report fails to support causal relationship in this case.

An award of compensation may not be based on surmise, conjecture or speculation, or upon appellant's belief that there is a causal relationship between her condition and her employment.<sup>8</sup> To establish causal relationship, appellant must submit a physician's report in which the physician reviews the factors of employment identified by appellant as causing his/her condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant's medical history, state whether these employment factors caused or aggravated appellant's diagnosed condition.<sup>9</sup> Appellant failed to submit such evidence and, therefore, failed to discharge her burden of proof.

The decisions of the Office of Workers' Compensation Programs dated September 14 and April 18, 2000 are affirmed.

Dated, Washington, DC  
September 19, 2001

David S. Gerson  
Member

Willie T.C. Thomas  
Member

Bradley T. Knott  
Alternate Member

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<sup>8</sup> See *William S. Wright*, 45 ECAB 498 (1993).

<sup>9</sup> *Id.*