

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of TOM L. PATTON and U.S. POSTAL SERVICE,
POST OFFICE, Akron, OH

*Docket No. 01-1029; Submitted on the Record;
Issued January 3, 2002*

DECISION and ORDER

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

The issue is whether appellant established that he sustained an injury in the performance of duty.

On July 7, 2000 appellant, then a 45 year-old clerk, filed a claim for occupational disease alleging that pain in his thumbs was caused by 20 years of employment involved in repetitive movement. Appellant was initially aware of his condition in October 1999 and that it was causally related to his employment in May 2000.

By letter dated August 1, 2000, the Office of Workers' Compensation Programs advised appellant of what information he needed to submit to assist the Office in processing his claim.

By decision dated September 5, 2000, the Office denied appellant's claim on the grounds that he failed to establish that he sustained an injury based on his employment.

The Board finds that appellant has failed to establish that he sustained an injury in the performance of duty.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed;¹ (2) a factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;² and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for

¹ See *Ronald K. White*, 37 ECAB 176 (1985).

² See *Walter D. Morehead*, 31 ECAB 188 (1979).

which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition was causally related to the employment factors identified by the claimant.³

The medical evidence required to establish a causal relationship generally, is rationalized medical opinion evidence. 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,⁴ must be one of reasonable medical certainty,⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific factors identified by claimant.⁶

In this case, appellant alleged that thumb pain was caused by his employment which included over 20 years of repetitive motion positions. However, although the Office advised him of what information it needed to process his claim, appellant submitted no medical evidence to establish a work-related injury.

The September 5, 2000 decision of the Office of Workers' Compensation Programs is affirmed.⁷

Dated, Washington, DC
January 3, 2002

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

³ See generally *Lloyd C. Wiggs*, 32 ECAB 1023 (1981).

⁴ *William Nimitz, Jr.*, 30 ECAB 567 (1979).

⁵ See *Morris Scanlon*, 11 ECAB 384 (1960).

⁶ See *William E. Enright*, 31 ECAB 426 (1980).

⁷ The Board notes that this case record contains evidence which was submitted subsequent to the Office's September 5, 2000 decision. The Board has no jurisdiction to review this evidence for the first time on appeal; see 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35, 36 n. 2 (1952).