United States Department of Labor
Employees' Compensation Appeals Board

BRYAN M. LaFLAMME, Appellant	)	
and	)	**Docket No. 05-841**
	)	**Issued: July 7, 2005**
DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS, Ayer, MA, Employer	)	

Appearances:
Bryan M. LaFlamme, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chairman
COLLEEN DUFFY KIKO, Member
DAVID S. GERSON, Alternate Member

JURISDICTION

On February 28, 2005 appellant filed an appeal from the December 22, 2004 merit decision of the Office of Workers' Compensation Programs denying his traumatic injury claim. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.

ISSUE

The issue is whether appellant sustained an injury while in the performance of duty.

FACTUAL HISTORY

On September 5, 2004 appellant, a 31-year-old corrections officer, filed a traumatic injury claim alleging that on August 31, 2004 he suffered a severe migraine headache due to dehydration as a result of duties associated with his federal employment.

In support of his claim, appellant submitted a report of a computerized tomography (CT) scan of the brain dated August 31, 2004; results of laboratory blood tests dated August 31, 2004; an emergency room report dated August 31, 2004 bearing an illegible signature and reflecting a

diagnostic impression of "headache;" an illegible nursing assessment dated August 31, 2004 bearing an illegible signature; and a patient information sheet dated August 31, 2004 indicating, under the comments section, "dehydration while at work doing maneuvers."

By letter dated November 22, 2004, the Office advised appellant that the information submitted was insufficient to establish his claim and that he should provide, among other things, a specific diagnosis and a rationalized medical opinion explaining the causal relationship between his diagnosed condition and the alleged work-related incident. Appellant submitted no further evidence in support of his claim.

By decision dated December 22, 2004, the Office denied appellant's claim, finding that, though he had established that the claimed event had occurred, he had failed to provide a diagnosis that could be connected to the event.

LEGAL PRECEDENT

The Federal Employees' Compensation Act provides for payment of compensation for disability or death of an employee resulting from personal injury sustained while in the performance of duty.[1] The phrase "sustained while in the performance of duty" is regarded as the equivalent of the coverage formula commonly found in workers' compensation laws, namely, "arising out of and in the course of employment."[2]

An employee seeking benefits under the Act has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained a traumatic injury in the performance of duty, he must establish the "fact of injury," to-wit: he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged and that such event, incident or exposure caused an injury.[3]

To establish that an injury occurred as alleged, the injury need not be confirmed by eyewitnesses, but the employee's statements must be consistent with the surrounding facts and circumstances and his subsequent course of action. In determining whether a *prima facie* case has been established, such circumstances as late notification of injury, lack of confirmation of injury and failure to obtain medical treatment may, if otherwise unexplained, cast substantial doubt on a claimant's statements. The employee has not met his burden when there are such inconsistencies in the evidence as to cast serious doubt on the validity of the claim.[4]

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[1] 5 U.S.C. § 8102(a).

[2] This construction makes the statute effective in those situations generally recognized as properly within the scope of workers' compensation law. *Charles E. McAndrews*, 55 ECAB ___ (Docket No. 04-1257, issued, September 10, 2004); *see also Bernard D. Blum*, 1 ECAB 1 (1947).

[3] *Betty J. Smith*, 54 ECAB ___ (Docket No. 02-149, issued October 29, 2002); *see also Tracey P. Spillane*, 54 ECAB ___ (Docket No. 02-2190, issued June 12, 2003). The term "injury" as defined by the Act, refers to a disease proximately caused by the employment. 5 U.S.C. § 8101(5). *See* 20 C.F.R. § 10.5(q), (ee).

[4] *See Betty J. Smith*, *supra* note 3.

The claimant has the burden of establishing by the weight of reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of employment.[5] An award of compensation may not be based on appellant's belief of causal relationship. Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish a causal relationship.[6]

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. 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. The opinion 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]

ANALYSIS

The Office accepted that appellant was a federal employee, that he timely filed his claim for compensation benefits and that the workplace incident occurred as alleged. The issue, therefore, is whether he has submitted sufficient medical evidence to establish that the employment incident caused an injury. The Board finds that appellant failed to provide medical evidence sufficient to establish that he sustained an injury causally related to the work incident of August 31, 2004.

The medical evidence submitted in support of appellant's claim consisted of a report of a CT scan of the brain dated August 31, 2004; results of laboratory blood tests dated August 31, 2004; an emergency room report dated August 31, 2004 bearing an illegible signature and reflecting a diagnostic impression of "headache;" an illegible nursing assessment dated August 31, 2004 bearing an illegible signature; and a patient information sheet dated August 31, 2004 indicating, under the comments section, "dehydration while at work doing maneuvers." There is no medical evidence of record containing a diagnosis, findings on examination or an opinion, rationalized or otherwise, connecting the work-related incident to a diagnosed condition. The Board has long held that medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal

[5] *Katherine J. Friday*, 47 ECAB 591, 594 (1996).

[6] *Dennis M. Mascarenas*, 49 ECAB 215, 218 (1997).

[7] *John W. Montoya*, 54 ECAB ___ (Docket No. 02-2249, issued January 3, 2003).

relationship.[8] Moreover, findings on examination are generally needed to support a physician's opinion that an employee is disabled for work.[9]

The Office advised appellant of the type of medical evidence required to establish his claim; however, he failed to submit such evidence. An award of compensation may not be based on surmise, conjecture, speculation or upon appellant's own belief that there is a causal relationship between his claimed condition and his employment.[10] To establish causal relationship, appellant must submit a physician's report in which the physician reviews those factors of employment identified by appellant as causing his condition and, taking these factors into consideration as well as findings upon examination and appellant's medical history, explain how these employment factors caused or aggravated any diagnosed condition and present medical rationale in support of his or her opinion.[11] Appellant failed to submit such evidence and, therefore, failed to discharge his burden of proof.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish that he sustained a traumatic injury in the performance of duty.

[8] *Michael E. Smith*, 50 ECAB 313 (1999).

[9] *Barry C. Petterson*, 52 ECAB 120 (2000).

[10] *Patricia J. Glenn*, 53 ECAB 159 (2001).

[11] *Robert Broome*, 55 ECAB ___ (Docket No. 04-93, issued February 23, 2004).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 22, 2004 is affirmed.

Issued: July 7, 2005
Washington, DC

Alec J. Koromilas
Chairman

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member