



any diagnosed condition and its relationship to his employment. The Office provided him approximately 30 days within which to submit the information.

Appellant did not respond within the time allotted.

In a decision dated May 5, 2005, the Office denied appellant's claim on the grounds that he did not establish that the events identified as causing his condition occurred as alleged and as he did not submit any supporting medical evidence.

### **LEGAL PRECEDENT**

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 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 while in the performance of duty as alleged; and that any disability or specific condition for which compensation is claimed is causally related to the employment injury. 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>2</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, appellant must submit the following: (1) medical evidence establishing the presence or existence of the condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>3</sup> The medical evidence required to establish a causal relationship 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.<sup>4</sup> Such an opinion of the physician 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 identified by the claimant.<sup>5</sup>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Rebecca LeMaster*, 50 ECAB 254 (1999).

<sup>3</sup> *Charles E. Burke*, 47 ECAB 185 (1995).

<sup>4</sup> *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>5</sup> *Id.*

## ANALYSIS

Appellant did not submit sufficient evidence to establish that he sustained bilateral median neuropathy of the wrists due to factors of his federal employment. On his claim form, he attributed his condition to lifting buckets off a belt; however, he did not submit a detailed factual statement further identifying the employment factors which he believed caused his condition. Additionally, appellant failed to submit any medical evidence in support of his claim. In order to establish his claim for an employment-related condition, he must submit rationalized medical evidence explaining how his bilateral wrist condition was caused or aggravated by the implicated employment factors.<sup>6</sup>

The Office notified appellant on April 5, 2005 of the evidence necessary to support his claim, including a statement identifying the employment factors to which he attributed his condition and a detailed report from his physician explaining how any diagnosed condition was caused or aggravated by employment factors. As appellant failed to submit such evidence, he has not met his burden of proof to establish his claim. Accordingly, the Board finds that he has not established a *prima facie* claim for compensation.<sup>7</sup>

On appeal, appellant argues that the Office should pay for his medical expenses. In order for the Office to reimburse medical expenses, appellant must first establish that he has an employment-related condition for which he secured medical treatment.<sup>8</sup> As noted, appellant has not established that he sustained an occupational disease due to factors of his federal employment and thus is not entitled to reimbursement of medical expenses.<sup>9</sup>

## CONCLUSION

The Board finds that appellant has not established that he sustained bilateral median neuropathy of the wrists causally related to factors of his federal employment.<sup>10</sup>

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<sup>6</sup> *Leslie C. Moore, supra* note 4.

<sup>7</sup> *See Richard A. Weiss, 47 ECAB 182 (2000).*

<sup>8</sup> *See 5 U.S.C. § 8103(a).*

<sup>9</sup> *Glen E. Shriner, 53 ECAB 165 (2001)* (to be entitled to reimbursement for medical expenses, a claimant must establish that the expenditure was incurred for treatment of the effects of an employment-related injury by submitting rationalized medical evidence that supports such a connection and demonstrates that the treatment is necessary and reasonable).

<sup>10</sup> Appellant submitted additional evidence subsequent to the Office's May 5, 2005 decision. The Board has no jurisdiction to review evidence for the first time on appeal that was not before the Office at the time it issued its final decision. *See 20 C.F.R. § 501.2(c).*

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated May 5, 2005 is affirmed.

Issued: January 5, 2006  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board