

FACTUAL HISTORY

On January 14, 2006 appellant, then a 36-year-old supervisory transportation security screener, filed an occupational claim (Form CA-2), alleging that she sustained injury to her right elbow as a result of the repetitive motion involved in picking up and transporting luggage.

In a letter dated January 30, 2006, the Office advised appellant that additional evidence was needed to determine whether she was eligible for benefits under the Federal Employees' Compensation Act. Appellant was instructed to provide factual and medical evidence, which included a comprehensive medical report from her treating physician describing her symptoms, results of examinations and tests, diagnosis, the treatment provided; and the doctor's opinion with medical rationale on the cause of her condition.

In response, appellant submitted a statement dated January 30, 2006, a January 30, 2006 statement from James V. McKnight, screening manager; portions of medical publications/articles dealing with common elbow problems (anatomy of the elbow, epicondylitis, lateral epicondylitis, medial epicondylitis and dual medial/lateral epicondylitis); reports dated January 18 and February 7, 2006 from Katrina Padgett, a physician's assistant and notes from Ms. Padgett dated February 14 and March 1, 2006.

By decision dated March 20, 2006, the Office denied appellant's claim for compensation. The Office found that appellant had not established an injury causally related to her federal employment.

On appeal, appellant argues that the Office denied her claim based on that of a traumatic injury claim.

LEGAL PRECEDENT

An employee seeking benefits under the Act has the burden of establishing the essential elements of 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 timely filed within the applicable time limitation period 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 compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.²

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; medical evidence establishing the presence or existence of the disease or condition for which

¹ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

² *Delores C. Ellyett*, 41 ECAB 992, 998-99 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-27 (1990).

compensation is claimed; and medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.³

Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁴ A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁵ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors.⁶

ANALYSIS

The evidence of file indicates that appellant engages in repetitive lifting activities due to her federal employment duties. The occupational nature of her claim is not disputed. On appeal, appellant's primary concern appeared to be with the fact that the Office referenced a traumatic injury case in denying her claim. However, this appears to be harmless error. Regardless of the type of claim filed, once an incident or work factors are established, the issue becomes medical in nature, whether the claimed condition was caused or aggravated by the implicated federal employment activities. 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.⁷ An award of compensation may not be based on appellant's belief of causal relationship.⁸ 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.⁹ Simple exposure to a workplace hazard does not constitute a work-related injury entitling an employee to medical treatment under the Act.¹⁰

The medical evidence of record is not sufficient to establish that her federal work duties caused or aggravated her right elbow condition. Appellant submitted reports and medical notes from Ms. Padgett, a physician's assistant. These reports do not constitute probative medical

³ *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

⁴ *See Robert G. Morris*, 48 ECAB 238 (1996).

⁵ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁶ *Id.*

⁷ *Katherine J. Friday*, 47 ECAB 591, 594 (1996).

⁸ *Dennis M. Mascarenas*, 49 ECAB 215, 218 (1997).

⁹ *Florencio D. Flores*, 55 ECAB ____ (Docket No. 04-942, issued July 12, 2004).

¹⁰ 20 C.F.R. § 10.303(a).

evidence as a physician's assistant is not a physician as defined under the Act.¹¹ Appellant also submitted copies of publications and articles addressing elbow conditions. The Board has held that newspaper clippings, medical texts and excerpts from publications are of no evidentiary value in establishing the necessary causal relationship between a claimed condition and employment factors because such materials are of general application and are not determinative of whether the specifically claimed condition is related to the particular employment factors alleged by the employee.¹² Although the Office had informed appellant of the necessity of submitting medical evidence from a qualified physician in its January 30, 2006 letter, she submitted no medical evidence from a physician in support of her claim.

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 her claimed condition and her employment.¹³ To establish causal relationship, she must submit a physician's report in which the physician reviews those factors of employment identified by her as causing her 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 opinion.¹⁴ Appellant failed to submit such evidence and, therefore, failed to satisfy her burden of proof. The Board finds that the Office properly denied her claim for benefits under the Act.

CONCLUSION

Appellant has not met her burden of proof in establishing that her right elbow condition was causally related to her federal employment.

¹¹ The Act, at 5 U.S.C. § 8101(2), provides that medical opinion, in general, can only be given by a qualified physician. See *Roy L. Humphrey*, 57 ECAB ____ (Docket No. 05-1928, issued November 23, 2005); *David P. Sawchuk*, 57 ECAB ____ (Docket No. 05-1635, issued January 13, 2006) (lay individuals such as physician's assistants, nurses and physical therapists are not competent to render a medical opinion under the Act).

¹² *William C. Bush*, 40 ECAB 1064 (1989).

¹³ *Patricia J. Glenn*, 53 ECAB 159 (2001).

¹⁴ *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 March 20, 2006 is affirmed.

Issued: September 11, 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