

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HELEN F. RINALDI and U.S. POSTAL SERVICE,
POST OFFICE, Santa Clarita, Calif.

*Docket No. 97-363; Submitted on the Record;
Issued August 21, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant has established that she developed left upper extremity tendinitis in the performance of duty, causally related to factors of her federal employment.

On July 5, 1996 appellant, then a 54-year-old distribution clerk, filed a claim alleging that she developed tendinitis due to the constant repetitive use of her left hand and wrist. In support of her claim, appellant submitted a job description and a statement in which she claimed that in the purchasing section she was performing a job that was against her medical restrictions. She indicated that she had right hand restrictions which caused her to overuse her left hand. The employing establishment challenged appellant's claim stating that she was not performing the work that she alleged.

By letter dated July 22, 1996, the Office of Workers' Compensation Programs requested further information from the employing establishment, from appellant, and from appellant's treating physicians, including rationalized medical evidence addressing causal relation and supporting her claim.

Thereafter appellant submitted several co-workers statements confirming the duties that she alleged she was performing.

Appellant also submitted a copy of her employing establishment physical examination questionnaire.

By decision dated October 2, 1996, the Office rejected appellant's claim finding that she failed to submit medical reports to support her contentions. The Office explained that, therefore, fact of injury was not established.

Thereafter, on October 10, 1996 appellant faxed some medical evidence to the Office. The Board notes that it is precluded from reviewing this evidence as its review is limited to the evidence of record before the Office at the time of its most recent final decision.¹

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; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or 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.²

In the instant case, appellant alleged only general employment factors such as repetitive working, twisting of wrists and carrying of heavy things, and did not provide sufficient details or specifically identify the repetitive actions or numbers of repetitions, or the job tasks requiring the motions implicated. Moreover, appellant failed to submit any medical evidence diagnosing any particular condition or disease, or containing an opinion on causal relation.³

As appellant did not meet the basic elements of her burden of proof, as explained above, she has failed to establish fact of injury in an occupational disease claim.

Accordingly, the decision of the Office of Workers' Compensation Programs dated October 2, 1996 is hereby affirmed.

Dated, Washington, D.C.
August 21, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

¹ See 20 C.F.R. § 501.2(c).

² *Judith A. Peot*, 46 ECAB 1036 (1995); *Jerry D. Osterman*, 46 ECAB 50 (1995); *Ruby I. Fish*, 46 ECAB 276 (1994).

³ Appellant may request reconsideration of the Office's decision and submit any further evidence she might have to the Office with her request. The Board cannot consider evidence not before the Office at the time of its final decision; see *supra* note 1.