

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BARBARA A. ETHERTON and U.S. POSTAL SERVICE,
POST OFFICE, Santa Clarita, Calif.

*Docket No. 97-706; Submitted on the Record;
Issued December 10, 1998*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issues are: (1) whether appellant has met her burden of proof to establish that her de Quervain's syndrome was causally related to her employment; and (2) whether appellant has met her burden of proof to establish that she sustained a recurrence of disability causally related to the accepted September 16, 1994 work-related injury.

On May 27, 1996 appellant, then a 42-year-old distribution clerk, filed a claim for compensation alleging that her de Quervain's syndrome was caused by factors of her federal employment. On that same day, appellant filed a claim for recurrence of disability alleging that on May 17, 1996 she sustained a recurrence of right shoulder tendinitis which the Office of Workers' Compensation Programs had accepted previously as a work-related injury.¹

By letter dated June 17, 1996, the Office advised appellant to submit additional information regarding her claim for compensation based on her de Quervain's syndrome including a detailed narrative medical report explaining how the doctor believed that her federal employment caused her condition.

In a duty status report dated June 13, 1996 and received by the Office on June 18, 1996, Dr. Ralph E. Myers, appellant's treating physician and Board-certified in family practice, stated that appellant had a recurrence of disability based on her September 16, 1994 work-related injury and diagnosed her as having right bicipital groove tendinitis. In a medical report dated May 17, 1996 and received by the Office on June 24, 1996, he stated that appellant had de Quervain's syndrome and right shoulder pain although the doctor did not enter a date of injury in an available box. In a duty status report dated the same day and received by the Office on June 24, 1996, Dr. Myers stated that appellant's de Quervain's syndrome occurred over time and was work related.

¹ On March 13, 1995 the Office notified appellant that it had accepted her claim for right shoulder tendinitis.

By letter dated June 25, 1996, the Office advised appellant that she was required to submit a medical report from her treating physician to support her claim for a recurrence of disability. The Office noted that appellant's treating physician was required to identify the physiological worsening of her condition, and to provide a medical explanation discussing why the worsening of her condition was causally related to her accepted injury.

In a medical report dated July 2, 1996, Dr. Myers noted that appellant appeared to be doing better "with her right thumb, thenar eminence area and right shoulder," but that she continued to be symptomatic over the extensor portion of the right thumb. On examination, the doctor found that appellant had been exercising and noted improvements in her hand and shoulder.

In a decision dated September 4, 1996, the Office denied appellant's claims on the grounds that she failed to establish that her right de Quervain's syndrome was caused by factors of employment, and that she failed to establish that she had sustained a recurrence of disability on May 17, 1996 based on her September 16, 1994 work-related injury.

The Board finds that appellant has failed to meet her burden of proof to establish that her de Quervain's syndrome was causally related to factors of federal employment.

Appellant has the burden of establishing by reliable, probative and substantial evidence that the condition for which she seeks compensation is causally related to her employment. As part of this burden she must present rationalized medical opinion evidence supporting an employment relationship, based on a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated the condition. The fact that the condition became apparent during a period of employment is not sufficient to establish the causal relationship, which must be established in each case by affirmative medical evidence.²

The Board has held that the mere belief that a condition was caused or aggravated by employment factors is insufficient to establish a causal relationship between the two.³ As applied to this case, appellant's assertion that her de Quervain's syndrome was causally related to her employment must be supported by rationalized medical evidence. However, none of Dr. Myers' medical reports provided a rationalized medical opinion establishing that appellant's de Quervain's syndrome was caused or contributed to by factors of employment. For example, in his July 2, 1996 medical report, Dr. Myers, although noting de Quervain's syndrome and its causes, failed to provide a rationalized medical opinion establishing a causal relationship between appellant's condition and factors of her employment. Given that the Office advised appellant regarding the type of medical evidence she needed to establish her claim, the Board finds that she failed to meet her burden of proof in establishing that her de Quervain's syndrome was causally related to employment factors.

² *Brian E. Flescher*, 40 ECAB 532 (1989).

³ *Lillian M. Jones*, 34 ECAB 379, 381 (1982).

The Board further finds that appellant has failed to meet her burden of proof to establish that she sustained a recurrence of disability causally related to the accepted September 16, 1994 right shoulder tendinitis.

An individual who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which compensation is claimed is causally related to the accepted injury. This burden includes the necessity of furnishing medical evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.⁴

In this case, appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her alleged recurrence of disability and the accepted September 16, 1994 work-related injury.⁵ The medical evidence in the case record relevant to appellant's claim of a recurrence of disability concerning her right shoulder condition were Dr. Myers' June 13, 1996 duty status report and his July 2, 1996 medical report. In neither of these reports did he provide a rationalized medical opinion establishing a causal relationship between appellant's current condition and her work-related injury. Thus these reports were of no probative value to appellant and she therefore failed to meet her burden of proof in establishing that her medical condition was causally related to her work-related injury.

There is no probative medical evidence of record establishing that appellant's de Quervain's syndrome was caused by employment factors, and no medical evidence of record establishing a causal relationship between appellant's claim for a recurrence of disability causally related to the September 16, 1994 work-related injury. Accordingly, the Board finds that appellant has failed to meet her burden of proof and that the Office properly denied her claim.

⁴ *Louise G. Malloy*, 45 ECAB 613 (1994); *Lourdes Davila*, 45 ECAB 139 (1989); *Robert H. St. Onge*, 43 ECAB 169 (1992).

⁵ *Dominic M. DeScala*, 37 ECAB 369, 372 (1986); *Bobby Melton*, 33 ECAB 1305, 1308-09 (1982).

The September 4, 1996 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
December 10, 1998

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member