

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LAURNA E. BELLE and U.S. POSTAL SERVICE,  
MAIN POST OFFICE, Chicago, Ill.

*Docket No. 97-2478; Submitted on the Record;  
Issued June 22, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,  
BRADLEY T. KNOTT

The issue is whether appellant established that she sustained an injury in the performance of duty resulting in disability after May 13, 1993.

On March 17, 1995 appellant, then a 62-year-old clerk, filed a notice of occupational disease, claiming that the repetitive flexing of her wrists, hands and fingers in grasping, reaching, tugging, sorting, fanning, separating and flipping mail resulted in swelling and progressive pain and inflammation of her hands, arms and shoulders. Appellant added that she became aware that her condition was related to her employment in May 1993.

Appellant explained that she worked nine days in May 1993, manually verifying addresses on trays of mail and that this caused her diagnosed carpal tunnel syndrome to flare up. Appellant retired on disability in June 1993.

On August 5, 1996 the Office of Workers' Compensation Programs wrote to the employing establishment and to appellant requesting further factual and medical information. The Office specifically asked appellant to describe in detail the employment-related factors that she believed contributed to her condition and to provide a comprehensive medical report explaining how work incidents or exposure contributed to her condition.

On September 11, 1996 the Office denied appellant's claim on the grounds that she had failed to establish that she sustained a work-related injury. Appellant requested reconsideration, and submitted a series of medical reports from Dr. Kenneth R. Margules, Board-certified in internal medicine and appellant's treating physician, who diagnosed various forms of repetitive motion syndrome and a Social Security Administration decision finding her eligible for medicare benefits.

The Office denied appellant's request on December 18, 1996 on the grounds that the evidence submitted in support of reconsideration was insufficient to warrant modification of the

prior decision. The Office noted that appellant's previous claim for the same condition had been denied on the grounds that she had no continuing disability after May 13, 1993 resulting from the work-related disability.<sup>1</sup>

The Board finds that appellant has failed to meet her burden of proof in establishing that she had work-related disability after May 13, 1993.

An employee seeking benefits under Federal Employees' Compensation Act<sup>2</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 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.<sup>3</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.<sup>4</sup>

In an occupational disease claim such as this, the claimant must submit (1) medical evidence establishing the 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 disease and (3) medical evidence establishing that the employment factors were the proximate cause of the disease or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>5</sup>

The medical evidence required is generally rationalized medical opinion evidence, which includes a physician's opinion of reasonable medical certainty based on a complete factual and medical background of the claimant and supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>6</sup>

In this case, appellant returned to a modified clerk's position for nine days in May 1993 and subsequently retired.

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<sup>1</sup> Appellant's claim (A10-401062), filed on December 15, 1990, was accepted for bilateral wrist tendinitis due to repetitive keying on a computer. Subsequently, the Office terminated disability compensation based on the May 13, 1993 report of Dr. Shahan K. Sarrafian, a Board-certified orthopedic surgeon. The hearing representative affirmed the termination decision on March 21, 1994, but modified the period of disability entitlement to include up to May 13, 1993. The Board dismissed appellant's appeal as untimely. Docket No. 97-1291, issued August 6, 1997.

<sup>2</sup> 5 U.S.C. §§ 8101-8193 (1974).

<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

<sup>5</sup> *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>6</sup> *Charles E. Burke*, 47 ECAB 185, 189 (1995).

The June 25, 1993 report from Dr. Margules, who had treated appellant since December 1990, did not discuss the duties of the limited position, to which she returned in May 1993. Dr. Margules stated generally that appellant's attempts to return to work had failed but he did not offer an opinion on whether the May 1993 period of work aggravated appellant's condition.

Similarly, Dr. Margules' September 7, 1993 report reiterated appellant's statements that her injury "crops up each time she attempts repetitive motion" and that "the last time she re-attempted work," she injured the joint at the base of her thumb, but offered no specific conclusion regarding the May 1993 work period.

In his October 12 and November 29, 1993 reports, Dr. Margules addressed the May 1993 work, stating that appellant's tasks of verifying addresses and using stamping and letter machines involved repetitive motion, which aggravated appellant's condition in addition to causing pain between the thumbs and forefingers of both hands. Dr. Margules concluded that appellant was permanently disabled, that she had attempted to return to work several times and that each attempt has worsened her bilateral carpal tunnel syndrome condition.

Dr. Margules repeated this conclusion in subsequent reports dated May 20 and June 1, 1994, when he stated that appellant's return to work in May 1993 was "an unfortunate challenge to her wrists," and October 20, 1994. Dr. Margules' February 15, 1995 report indicated that appellant continued to exhibit signs of carpal tunnel syndrome and other repetitive motion disorders but failed to explain how these were medically connected to any work activities, particularly in view of the fact that she had not worked since June 1993.<sup>7</sup>

Although Dr. Margules has found appellant to be permanently disabled, he has failed to explain, with medical rationale, how specific work duties have caused this disability. The fact that appellant's symptoms reappeared each time she attempted to return to work is insufficient to establish a causal connection between her current condition and her employment.<sup>8</sup> The mere fact that work activities such as verifying addresses or stamping mail may produce symptoms revelatory of an underlying condition does not raise an inference of a work-related injury.<sup>9</sup>

Moreover, the fact that the Social Security Administration has found appellant to be disabled for work does not establish that her disability is compensable under the Act. Here, appellant has failed to show that her underlying condition resulted from specific work factors in May 1993. Therefore, the Board finds that she has failed to meet her burden of proof in establishing that she sustained an injury in the performance of duty.

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<sup>7</sup> See *Jean Culliton*, 47 ECAB 728, 735 (1996) (finding that a physician's opinion on causal relationship is not dispositive simply because it is rendered by a physician).

<sup>8</sup> See *Velta H. Mikelsons*, 39 ECAB 1278, 1292 (1988) (finding that appellant's belief that her carpal tunnel syndrome was caused by her employment is insufficient to establish the requisite causal relationship).

<sup>9</sup> See *Rosie M. Price*, 34 ECAB 292, 294 (1982) (finding that the mere occurrence of an episode of pain during the workday is not proof of an injury having occurred at work; nor does such an occurrence raise an inference of causal relationship); *Max Haber*, 19 ECAB 243, 247 (1967) (same).

The December 18 and September 11, 1996 decisions of the Office of Workers' Compensation Programs are affirmed.

Dated, Washington, D.C.  
June 22, 1999

George E. Rivers  
Member

Michael E. Groom  
Alternate Member

Bradley T. Knott  
Alternate Member