

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAUL D. KENDRICK and DEPARTMENT OF THE ARMY,
AMMUNITION PLANT, McAlester, Okla.

*Docket No. 97-2434; Submitted on the Record;
Issued May 7, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof to establish that his alleged carpal tunnel condition was sustained in the performance of duty.

Appellant, a 45-year-old heavy mobile equipment operator, filed a Form CA-2 claim for benefits on September 12, 1994, alleging that he sustained a carpal tunnel condition due to repetitive lifting, pulling, pushing and hammering for long periods of time and that he became aware that this condition was caused or aggravated by his employment on September 8, 1994.

By letter dated May 29, 1996, the Office of Workers' Compensation Programs advised appellant that the evidence he submitted was not sufficient to determine whether he was eligible for compensation benefits and that he needed to submit a detailed description of the specific employment-related conditions or incidents he believed contributed to his alleged conditions. The Office also asked appellant to submit a comprehensive medical report from his treating physician describing his symptoms and the medical reasons for his condition and an opinion as to whether specific employment factors at his employing establishment contributed to or aggravated his conditions. The Office advised appellant that he needed to submit the information requested within 30 days.

By decision dated March 15, 1995, the Office denied appellant's claim for compensation, stating that appellant failed to submit medical evidence in support of his claim.

In a letter received by the Office on August 2, 1995, appellant requested reconsideration.

By decision dated August 3, 1995, the Office denied appellant's application for review on the grounds that it neither raised substantive legal questions nor included new and relevant evidence such that it was sufficient to require the Office to review its prior decision.

By letter dated August 14, 1995, appellant requested reconsideration of the Office's previous decision. In support of his request, appellant submitted medical reports dated June 7

and July 25, 1995.¹ The June 7, 1995 report indicated that appellant had bilateral numbness in both hands, with suspected bilateral carpal tunnel syndrome. The July 25, 1995 report reiterated the diagnosis of bilateral carpal tunnel syndrome and indicated ulnar neuropathy at the elbow. The report recommended that appellant be evaluated for possible carpal tunnel syndrome surgery given that appellant had essentially already tried conventional therapy.

By decision dated August 23, 1995, the Office affirmed its previous decision, finding that the medical evidence appellant submitted was not sufficient to establish that the claimed carpal tunnel syndrome was caused or aggravated by factors of his federal employment.

By letter dated July 6, 1996, appellant requested reconsideration. In support of his request, appellant submitted a medical report dated December 11, 1995 (a student clinical note). The report stated that appellant had a history of bilateral upper extremity weakness and reiterated the earlier diagnosis of bilateral carpal tunnel syndrome, greater on the right side.

By decision dated July 19, 1996, the Office affirmed its previous decision, finding that the medical evidence appellant submitted was not sufficient to establish that the claimed carpal tunnel syndrome was caused or aggravated by factors of his federal employment.

The Board finds that appellant has not met his burden of proof to establish that his alleged carpal tunnel condition was sustained in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing that 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 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.³ 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.⁴

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.

¹ The physicians' signature on these reports is illegible.

² 5 U.S.C. §§ 8101-8193.

³ *Joe Cameron*, 42 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989).

The medical evidence required to establish causal relationship is usually rationalized medical 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. The opinion of the physician must be based on a complete factual and medical background of the claimant, 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.⁵

In the present case, the only medical evidence appellant submitted in support of his claim were the June 7, July 25 and December 11, 1995 medical reports. These contain brief, conclusive statements summarily indicating that appellant had a suspected bilateral carpal tunnel condition and recommended his being evaluated for possible surgery, but do not provide a probative, rationalized opinion that his alleged carpal tunnel syndrome was caused or aggravated by factors or conditions of his federal employment.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.⁶ Causal relationship must be established by rationalized medical opinion evidence. The Office advised appellant of the type of evidence required to establish his claim; however, appellant failed to submit such evidence. In the instant case, none of the medical reports appellant submitted contain any rationalized medical opinion relating the cause of the alleged condition to factors of his federal employment. The reports are therefore of limited probative value in that they did not provide adequate medical rationale in support of their conclusions.⁷ The reports did not explain the process through which factors of appellant's employment would have been competent to cause the claimed carpal tunnel condition.

Accordingly, as appellant failed to submit any probative, rationalized medical evidence in support of a causal relationship between his claimed conditions and factors or incidents of employment, the Office properly denied appellant's claim for compensation.

⁵ *Id.*

⁶ *See Id.*

⁷ *William C. Thomas*, 45 ECAB 591 (1994).

The decision of the Office of Workers' Compensation Programs dated July 19, 1996 is hereby affirmed.

Dated, Washington, D.C.
May 7, 1999

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member