

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RUTH LANIER and VETERANS ADMINISTRATION,
DAYTON VETERANS HOSPITAL, Dayton, OH

*Docket No. 98-2629; Submitted on the Record;
Issued April 14, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she sustained carpal tunnel syndrome and other left arm conditions in the performance of duty.

On November 13, 1997 appellant, then a 49-year-old food service worker, filed notice of traumatic injury and claim for continuation of pay/compensation, Form CA-1, alleging that her carpal tunnel syndrome in her left wrist, weak grip, and pain in her left shoulder, arm and hand were caused by her employment. She said that she noticed her injury while picking up trays at work. Appellant alleged that her injury occurred in June 1997. On the reverse of the form, appellant's supervisor indicated that appellant did not stop working.

Accompanying her claim, appellant submitted medical treatment and physical therapy notes from June 4, 1997 to January 9, 1998. These reports generally indicated appellant's treatment for possible carpal tunnel syndrome and noted her work restrictions. The treatment notes did not address the cause of appellant's condition.

In a February 4, 1998 letter, the Office of Workers' Compensation Programs advised appellant that the information submitted in her claim was not sufficient to determine whether appellant was eligible under the Federal Employees' Compensation Act. Further, the Office advised appellant of the additional medical and factual evidence needed to support her claim. The Office asked that appellant submit a medical report explaining how employment activities contributed to her medical condition.

By decision dated March 13, 1998, the Office denied appellant's claim. The Office found that, while the evidence of file supported a diagnosis of left carpal tunnel syndrome, the evidence did not establish that a condition had been diagnosed in connection with the work factor. Therefore, it was determined that an injury within the meaning of the Act was not demonstrated.

The Board finds that appellant has not met her burden of proof in establishing that she sustained carpal tunnel syndrome in the performance of duty.

An employee seeking benefits under the Act¹ 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.² These are essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

In order to determine whether an employee sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components, which must be considered, in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident, which is alleged to have occurred.⁴

The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.⁵

There is no dispute that appellant is an employee or that she picked up trays at work in June 1997 when she claimed to have been injured. However, there is insufficient medical evidence to establish that the picking up of trays caused or aggravated a medical condition.

In the instant case, there is a medical report indicating that appellant does suffer from carpal tunnel syndrome in her left wrist. However, appellant has submitted no medical evidence that the carpal tunnel syndrome is due to factors of her employment. On February 28, 1998 the Office advised appellant of the type of medical evidence needed to establish her claim. However, such medical evidence was not submitted prior to the Office’s March 13, 1998 decision.⁶

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Daniel J. Overfield*, 42 ECAB 718, 721 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Elaine Pendleton*, *supra* note 2.

⁵ *See* 20 C.F.R. § 10.11(a); *John M. Tornello*, 35 ECAB 234 (1983).

⁶ Claimant did submit medical reports and work records after the Office issued its decision. The Board’s jurisdiction is limited to evidence, which was before the Office at the time it rendered the final decision. Inasmuch as this evidence was not considered by the Office, it cannot be considered on review by the Board. 20 C.F.R.

As noted above, part of appellant's burden of proof includes the submission of medical evidence establishing that the claimed condition is causally related to employment factors. As appellant has not submitted such evidence, she has not met her burden of proof in establishing her claim.

The decision of the Office of Workers' Compensation Programs dated March 13, 1998 is hereby affirmed.

Dated, Washington, D.C.
April 14, 2000

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

§ 501.2(c). This decision does not preclude appellant from submitting such evidence to the Office as part of a reconsideration request.