

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LAWRENCE G. ANDREWS and U.S. POSTAL SERVICE,
POST OFFICE, West Sacramento, CA

*Docket No. 99-1716; Submitted on the Record;
Issued August 29, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that he sustained an injury in the performance of duty.

On January 28, 1999 appellant, then a 51-year-old distribution clerk, filed a notice of traumatic injury and claim for compensation (Form CA-1) alleging that on January 27, 1999 the repeated motion of boxing or casing mail caused numbness in both hands, and pain in his arms and shoulders. Appellant did not stop work.

In a February 18, 1999 letter, the Office of Workers' Compensation Programs advised appellant of the type of factual and medical evidence needed to establish his claim and requested that he submit such evidence. The Office particularly requested that appellant submit a physician's reasoned opinion addressing the relationship of his claimed condition and specific employment factors. The Office additionally asked appellant to elaborate on whether the event of January 27, 1999 caused appellant's condition or whether he felt that the numbness and pain in his hands and arms was brought on by repetitive movements of more than one day.

Appellant submitted a statement in which he stated that his discomfort reached a painful level on January 27, 1999. He noted that he had similar symptoms in August 1998. He stated that his pain generally subsides when he is off for 3 or more days, but comes back after 2 or 3 days of boxing or casing.

In a February 1, 1999 form report, Dr. David Herfindahl, a Board-certified family practitioner and appellant's treating physician, diagnosed an ulnar nerve entrapment and opined that appellant's injury/illness was work related by checking the appropriate box.

In a March 2, 1999 report, Dr. Peter A. Grant, a Board-certified physical medicine and rehabilitation specialist, provided the results of his electrodiagnostic evaluation for appellant's persistent and recurrent bilateral arm and hand problems including all electromyogram and nerve

conduction studies. Dr. Grant noted a history of problems beginning in 1984 with recurrent symptoms in 1990, mid 1998 and December 1998. He diagnosed bilateral mild residuals of old median neuropathies in carpal tunnel areas without acute, chronic, or ongoing entrapment and a mild and chronic volar wrist flexor tendinitis. No cervical radiocolopathy, brachial plexopathy, or other neurophysiologic abnormality were identified.

By decision dated March 23, 1999, the Office rejected appellant's claim on the grounds that he did not establish fact of injury. In an accompanying memorandum, the Office found that the medical evidence fails to establish that the claimed medical condition or disability was causally related to accepted activities or employment factors.

The Board finds that appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty.

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

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. The medical evidence required to establish causal relationship, generally, is rationalized medical opinion 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.⁴

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

It is not disputed that appellant was experiencing pain and discomfort in his hands. However, appellant has not submitted sufficient factual and medical evidence establishing that his claimed condition is causally related to employment factors or conditions. Appellant's description of the onset of symptoms and the cause thereof remains unclear. All appellant stated was that his discomfort reached a painful level on January 27, 1999, as it did in August 1998. As noted above, to establish that an injury was sustained in the performance of duty, appellant must submit rationalized medical evidence addressing how specific work factors caused or aggravated the claimed condition. The mere fact that a disease or condition develops during a period of federal employment does not establish a work-related condition.⁵ Moreover, in this case, appellant has not submitted any medical evidence supporting that specific employment factors caused or aggravated his diagnosed condition of "bilateral mild residuals of old median neuropathies in carpal tunnel areas without acute, chronic or ongoing entrapment identified" and "mild and chronic volar wrist flexor tendinitis." The medical evidence from Dr. Grant fails to provide a history of the injury, identify specific work factors which caused the medical condition, or provide a reasoned medical opinion addressing the issue of causality. For example, he has not explained how a specific work factor would have caused or aggravated a specific medical condition nor has he explained why any of appellant's diagnosed conditions would be work related and not solely due to a preexisting condition, in view of appellant's medical history. Likewise, inasmuch as Dr. Herfindahl merely checked a box indicating that the history given by appellant corresponded to the description of how the injury occurred, without providing any supporting rationale, Dr. Herfindahl's opinion has little probative value and is insufficient to establish causal relationship.⁶

Consequently, appellant has not established that he sustained an injury in the performance of duty.

⁵ See *Francisco D. Regoliano*, 16 ECAB 338, 340 (1965).

⁶ See *Ruth S. Johnson*, 46 ECAB 237 (1994).

The March 23, 1999 Office of Workers' Compensation Programs decision is affirmed.

Dated, Washington, D.C.
August 29, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member