

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LORNA A. BLUE and DEPARTMENT OF HOUSING & URBAN
DEVELOPMENT SOUTHEAST/CARIBBEAN OFFICE OF FAIR HOUSING
& EQUAL OPPORTUNITY, Atlanta, GA,

*Docket No. 01-122; Submitted on the Record;
Issued November 21, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained carpal tunnel syndrome in the performance of duty.

On June 7, 2000 appellant, then a 39-year-old equal opportunity specialist, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that she sustained carpal tunnel syndrome causally related to her federal employment. On her CA-2 form appellant alleged that she first became aware of her condition on May 25, 2000 and that it was caused or aggravated by her employment on May 1, 2000. On the reverse of the form, appellant indicated that she notified her supervisor of her condition on June 5, 2000. She received medical attention on May 8, 2000 from Dr. Bennett J. Axelrod, a Board-certified orthopedic surgeon, who was referred by Dr. Robert E. Springer, Board-certified in internal medicine. In explaining causal relationship between her condition and her alleged employment factors, appellant stated "my job duties require 90 to 95 percent computer input of information received from complainants who believed they were discriminated by individual group[s] or corporation[s] based on the Fair Housing Act, as amended. [The employing establishment] requires all information on these claims be process[ed] by a computer."

In support of her claim, appellant submitted a nerve conduction study report from Dr. Arthur D. Schiff, a Board-certified neurologist, who completed a nerve conduction study of both upper extremities. He noted his impression as "electrophysiologic evidence of severe median nerve entrapment at both wrists with denervation." He diagnosed carpal tunnel syndrome, bilateral, of the upper extremities. Appellant also submitted a work excuse slip from Dr. Axelrod excusing appellant from work for two to three weeks after planned carpal tunnel surgery.

By letter dated July 27, 2000, the Office advised appellant that additional information was required in reference to her claim for carpal tunnel syndrome under the Federal Employees'

Compensation Act¹ and provided a list of questions of a medical and factual nature. The Office allotted 30 days in which to submit the requested evidence.

In a letter dated August 4, 2000, appellant responded to the Office's request and stated that she developed carpal tunnel syndrome in 1995 and was provided an ergonomic keyboard to assist her while inputting data in the computer. She noted that 97 percent of her workload required computer usage and 3 percent telephone usage. Appellant stated:

"On [a] daily basis, I must key in complainant's information, respondent's information, summary allegation, check boxes for violation act and telephone information into [the employing establishment's] ... computer system. In addition, type letters for closure, contact, postal trace for address and additional letters that may be required. I mailed all letters and filed cases into file cabinets.

"I received at least 20 cases per month and received hotline calls at least three times a month. To complete a claim, it takes one hour. I have t[w]o breaks from the computer to avoid additional pain. I have to take pain medicine to reduce the pain and wear a wrist brace. The wrist brace hinders my work because [of] its awkwardness. From the beginning of the fiscal year of 2000, this office has received over 1,400 claims to date."

By letter dated September 11, 2000, the Office denied appellant's claim finding that she failed to establish that she sustained an injury as alleged.

The Board finds that appellant did not meet her burden of proof to establish that she sustained carpal tunnel syndrome while in the performance of duty.

An employee seeking benefits under the Act 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 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

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

³ *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990).

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 a causal relationship 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

In support of her claim, appellant submitted a nerve conduction study report from Dr. Schiff, dated May 25, 2000, in which he diagnosed bilateral carpal tunnel syndrome. The question of causal relationship is a medical issue which requires a reasoned medical opinion for resolution. Causal relationship may be established by means of direct causation, aggravation, acceleration or precipitation.

An award of compensation may not be based on surmise, conjecture or speculation or upon appellant's belief that there is a causal relationship between her condition and her employment. To establish causal relationship, appellant must submit a physician's report in which the physician reviews the factors of employment identified by appellant as causing her condition and, taking these factors into consideration as well as findings upon examination of appellant and appellant's medical history, state whether these employment factors caused or aggravated appellant's diagnosed conditions and provide medical rationale in support of his opinion.⁵

Dr. Schiff did not report any history of appellant's employment duties. Furthermore, he offered no medical explanation as to how the employment duties would have caused or contributed to her diagnosed carpal tunnel syndrome. Dr. Schiff submitted no medical rationale to explain how specific employment factors caused or contributed to the diagnosed condition. There is no medical evidence of record which offers any opinion regarding the cause of appellant's carpal tunnel condition.

Appellant did not submit sufficient medical evidence to establish that she sustained carpal tunnel syndrome in the performance of duty causally related to factors of her employment.

⁴ Victor J. Woodhams, 41 ECAB 345, 351-52 (1989).

⁵ Donald W. Long, 41 ECAB 142 (1989).

The decision of the Office of Workers' Compensation Programs dated September 11, 2000 is affirmed.

Dated, Washington, DC
November 21, 2001

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member