U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MONICA L. CRIST and DEPARTMENT OF VETERANS AFFAIRS, BOISE MEDICAL CENTER, Boise, ID

Docket No. 02-1130; Submitted on the Record;
Issued November 21, 2002

DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,
WILLIE T.C. THOMAS

The issue is whether appellant has established that she sustained a medical condition in the performance of duty.

On December 10, 2001 appellant, then a 39-year-old pharmacy technician, filed a claim alleging that she sustained an injury to her right index finger and thumb, shoulder and elbow as a result of the repetitious movement she performs in opening bottles all day. She stated that she was initially aware that her employment caused her condition on December 10, 2001.

By letter dated December 19, 2001, the Office of Workers' Compensation Programs advised appellant regarding the type of evidence she needed to process her claim.

In a December 27, 2001 medical report, Dr. William D. Lenzi, a Board-certified orthopedic surgeon, stated that appellant had a recurrence of the numbness in her thumb and index finger and pain along the flexor surface of the ulnar aspect of the forearm. Appellant had a positive Tinel's sign and a positive Phalen's test, numbness in the thumb and index fingers, less so in the long finger. Dr. Lenzi additionally stated that appellant has pain on the medial epicondyle and along the ulnar flexor mass of the forearm. The ulnar nerve had a positive Tinel's sign at the elbow and there was some weakness of the intrinsics of the hand. He advised that appellant needed a repeat of the nerve conduction tests to her right upper extremity to include the median and ulnar nerves and requested authorization.

By decision dated February 20, 2002, the Office denied appellant's claim. The Office stated that appellant established that she experienced the "claimed employment factor," but that the evidence failed to establish that a medical condition had been diagnosed in connection with it.

The Board finds that appellant has failed to meet her burden of proof in establishing that she sustained a medical condition in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of proof to establish the essential elements of her claim.[2] When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.[3]

In order to determine whether an employee actually 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. The second component is whether the employment incident caused a personal injury and generally can be established only by rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.[4]

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. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.[5]

In this case, appellant has established an employment factor -- the repetitive movement of opening bottles. However, she, has failed to meet her burden of proof for the reason that she has not submitted medical evidence establishing that the employment factor of opening bottles resulted in a medical condition, either a finger, thumb, elbow or shoulder pain.

Appellant submitted one medical report from her treating physician, Dr. Lenzi, who is Board-certified in hand surgery. Although he diagnosed numbness in the thumb and index finger, pain along the flexor surface of the ulnar aspect of the forearm and pain on the medial epicondyle and along the ulnar flexor mass of the forearm supported by objective evidence, he did not submit a medical opinion regarding the cause of appellant's problems and whether it was related to her established employment factor. Dr. Lenzi's report contained no opinion regarding

[1] 5 U.S.C. §§ 8101-8193.

[2] *See Margaret A. Donnelley*, 15 ECAB 40 (1963).

[3] *See generally John J. Carlone*, 41 ECAB 354 (1989); *see also* 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. § 10.5(q) and (ee) ("occupational disease or illness" and "traumatic injury" defined); *see Donnelley*, *supra* note 2.

[4] *Bonnie Goodman*, 50 ECAB 139 (1998).

[5] *Jean Culliton*, 47 ECAB 728 (1996).

causal relationship and, thus, failed to establish that appellant's condition was causally related to her employment.

As appellant presented no rationalized medical opinions to establish causal relationship between appellant's conditions and her employment factors, appellant has failed to submit the necessary medical evidence to meet her burden of proof and the Office properly denied her claim.

The decision of the Office of Workers' Compensation Programs dated February 20, 2002 is affirmed.[6]

Dated, Washington, DC
November 21, 2002

Michael J. Walsh
Chairman

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

[6] With her appeal appellant submitted additional evidence. However, the Board may not consider new evidence on appeal; *see* 20 C.F.R. § 501.2(c). This decision does not preclude appellant from submitting new evidence to the Office and request reconsideration pursuant to 5 U.S.C. § 8128(a).