

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MILLICENT V. LUNDBERG and SOCIAL SECURITY ADMINISTRATION,
Middletown, CT

*Docket No. 02-1309; Submitted on the Record;
Issued October 8, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant's disability for work on or about December 31, 2001 was causally related to her accepted employment injury.

On December 15, 2000 appellant, then a 56-year-old claims clerk, filed a claim asserting that she sustained a repetitive stress injury from using her computer. She did not stop work. The Office of Workers' Compensation Programs accepted her claim for bilateral carpal tunnel syndrome.

On January 10, 2002 appellant filed a claim asserting that she lost time from work on or about December 31, 2001 as a result of her accepted employment injury.

On January 17, 2002 the Office requested that appellant submit additional information to support her claim, including her physician's opinion regarding the relationship between the accepted work-related condition and the need for either continuing medical treatment or curtailment of regular-duty work. The Office allowed appellant 30 days to submit the information requested.

On March 14, 2002 the employing establishment advised that appellant had lost no time from work except for visits to the physician and for tests needed to determine the extent of her injury.

In a decision dated March 26, 2002, the Office denied appellant's claim for disability. The Office noted that appellant failed to reply to its January 17, 2002 request for additional information.

The Board finds that appellant has not met her burden of proof to establish that her disability for work on or about December 31, 2001 is causally related to her accepted employment injury.

A claimant seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of her claim by the weight of the evidence,² including that she sustained an injury in the performance of duty and that any specific condition or disability for work for which she claims compensation is causally related to that employment injury.³

The Office accepts that appellant developed a bilateral carpal tunnel syndrome while in the performance of her duties. It remains for appellant, therefore, to establish that the disability for work for which she claims compensation is causally related to that employment injury.

The evidence generally required to establish causal relationship is rationalized medical opinion evidence. The claimant must submit a rationalized medical opinion that supports a causal connection between her claimed condition or disability and the accepted employment injury. The medical opinion must be based on a complete factual and medical background with an accurate history of the claimant's employment injury and must explain from a medical perspective how the claimed condition or disability is related to the injury.⁴

Appellant submitted no such evidence. The Office allowed 30 days for the submission of her physician's narrative medical opinion, but the record shows no reply. Because appellant has not yet submitted a reasoned medical opinion supporting that she lost time from work on or about December 31, 2001 as a result of her employment-related bilateral carpal tunnel syndrome, she has not carried her burden of proof.⁵

¹ 5 U.S.C. §§ 8101-8193.

² *Nathaniel Milton*, 37 ECAB 712 (1986); *Joseph M. Whelan*, 20 ECAB 55 (1968) and cases cited therein.

³ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁴ *See John A. Ceresoli, Sr.*, 40 ECAB 305 (1988).

⁵ In her appeal to the Board, appellant indicated that new people working in her physician's office never sent her "medical reports" but assured her that they would do so at once. To establish the critical element of causal relationship, these medical reports must provide the type of rationalized medical opinion described in this decision.

The March 26, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 8, 2002

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member