U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VESSIE PROCTOR and DEPARTMENT OF THE ARMY, PINE BLUFF ARSENAL, Pine Bluff, AR

Docket No. 02-1453; Submitted on the Record;
Issued October 17, 2002

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant sustained an injury to her fingers, hands, wrist, feet, low back and hips in the performance of her duties.

On May 17, 2000 appellant, then a 54-year-old former equipment operator and munitions inspector, filed a claim for an occupational disease for an injury to her fingers, hands, wrists, feet, hips and low back that she attributed to standing and to repetitive movements of the hands, fingers and wrists. Her employment ended with disability retirement effective October 26, 1998.

In response to a June 8, 2000 request from the Office of Workers' Compensation Programs for further factual information and for medical evidence to support her claim, appellant submitted a statement describing the repetitive activities of her positions of explosives operator and munitions inspector and in the environmental and Equal Employment Opportunity (EEO) offices. She also submitted medical notes dated from July 11, 1998 to June 2, 1999 from Dr. Simmie Armstrong, Jr. and reports of a normal nerve conduction velocity test done on April 24, 1998 and a whole body bone scan done on October 5, 1999 that showed increased uptake in the facet joints of the lumbar spine, both ankles and feet consistent with arthritic disease.

By decision dated July 20, 2000, the Office found that the evidence supported that she actually experienced the claimed employment factors, but that the medical evidence was insufficient to establish that she sustained an injury as alleged.

By letter dated August 16, 2000, appellant requested reconsideration and submitted a July 24, 2000 report from Dr. Armstrong, who noted that appellant complained of low back pain, numbness in the ankles, hip pain and trouble with her arms. After noting that the recent nerve conduction study was negative, Dr. Armstrong stated:

> "This is not a carpal tunnel syndrome, it is more of an inflammatory, over-use type syndrome over a period of time, with continuous use of arms, upper

extremities where [appellant] works as a munitions person. However, it is difficult to prove this subjectively. There is no real objective test to substantiate this. This is based on clinical grounds and her symptoms. I believe it is real and she is not imagining this or pretending at this time."

By decision dated September 27, 2000, the Office found that the new medical report from Dr. Armstrong did not contain sufficient rationalization to warrant modification of its prior decision.

By letter dated October 19, 2000, appellant requested a hearing and submitted an August 1, 2000 note from the employing establishment's chief of the production division and an undated note from Dr. John O. Lytle stating that appellant had been diagnosed with carpal tunnel syndrome. At a hearing held on August 7, 2001, appellant further described the activities of her employment to which she attributed her conditions.

By decision dated January 11, 2002, an Office hearing representative found that appellant failed to establish that she sustained the injuries alleged in the performance of duty.

The Board finds that appellant has not established that she sustained an injury to her fingers, hands, wrist, feet, low back and hips in the performance of her duties.

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of establishing the essential elements of his or her claim[2] including the fact that the individual is an "employee of the United States" within the meaning of the Act,[3] that the claim was timely filed within the applicable time limitation period of the Act,[4] 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.[5]

To accept fact of injury in an occupational disease case, the Office, in addition to finding that the employee experienced the employment factors alleged, must also find that the employment factors resulted in an "injury." The term "injury" as defined by the Act, as commonly used, refers to some physical or mental condition caused either by trauma or by continued or repeated exposure to or contact with, certain factors, elements or conditions.[6] The question of whether an employment incident caused a personal injury generally can be established only by medical evidence.[7]

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[1] 5 U.S.C. §§ 8101-8193.

[2] *See Daniel R. Hickman*, 34 ECAB 1220 (1983); 20 C.F.R. § 10.115.

[3] *James A. Lynch*, 32 ECAB 216 (1980); *see also* 5 U.S.C. § 8101(1).

[4] 5 U.S.C. § 8122.

[5] *See Daniel R. Hickman, supra* note 2.

[6] *Elaine Pendleton*, 40 ECAB 1143 (1989).

[7] *John J. Carlone*, 41 ECAB 354 (1989).

The evidence establishes that appellant performed repetitive activities with her hands and wrists and that she stood on a concrete floor in the performance of her duties as an explosives operator from October 1971 to 1985, that she did considerable standing and some repetitive activities as a munitions inspector from 1985 to 1993 and that she performed typing and computer work in her positions in the environmental and EEO offices from 1993 until her retirement on October 26, 1998. The medical evidence, however, does not establish that these activities resulted in the conditions for which appellant claimed compensation.

Appellant did not submit any medical evidence that lends any support to her claim that her low back and hip conditions are causally related to any employment activity. In a July 24, 2000 report, Dr. Armstrong stated that appellant had "an inflammatory, over-use type syndrome over a period of time, with continuous use of arms, upper extremities where she works as a munitions person." This opinion is not sufficient to meet appellant's burden of proof because Dr. Armstrong did not show an awareness of or relate appellant's condition to specific factors of employment[8] and because Dr. Armstrong did not provide rationale for this opinion.[9] The report of Dr. Lytle does not provide a basis for the diagnosis of carpal tunnel syndrome, especially in light of the normal nerve conduction study, nor does it indicate this condition is related to appellant's employment.

The January 11, 2002 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
October 17, 2002

Alec J. Koromilas
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

[8] *See Judith A. Peot*, 46 ECAB 1036 (1995); *William T. Rivers*, 43 ECAB 763 (1992).

[9] Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee's burden of proof. *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).