

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARGARET J. WOLFE and DEPARTMENT OF LABOR,
OCCUPATIONAL SAFETY & HEALTH, Seattle, WA

*Docket No. 02-1965; Submitted on the Record
Issued February 7, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant established that her carpal tunnel syndrome was causally related to her investigative work using a laptop computer.

Appellant, then a 60-year-old discrimination claims investigator, filed an occupational disease claim on April 12, 2002 alleging that her bilateral carpal tunnel syndrome was caused by hours of typing on a laptop computer during her investigations. By letter dated April 19, 2002, the Office of Workers' Compensation Programs informed appellant of the factual information and medical evidence necessary to establish her entitlement to benefits.

Appellant submitted medical evidence, including a nerve conduction study and a description of her work. On May 20, 2002 the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that appellant's carpal tunnel syndrome was caused by work factors.

The Board finds that appellant has failed to meet her burden of proof in establishing that her carpal tunnel syndrome was causally related to work factors.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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

¹ 5 U.S.C. §§ 8101-8193.

² *Irene St. John*, 50 ECAB 521-22 (1999).

³ *Barbara L. Riggs*, 50 ECAB 133, 137 (1998).

⁴ *Albert K. Tsutsui*, 44 ECAB 1004, 1007 (1993).

sustained in the performance of duty as alleged and that any disability or condition for which compensation is claimed is causally related to the employment injury.⁵ These elements must be established regardless of whether the claim is for a traumatic injury or an occupational disease.⁶

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 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 condition or disease; and (3) medical evidence establishing that the employment factors were the proximate cause of the disease or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁷

Causal relationship is a medical issue,⁸ and the medical evidence required to establish a causal relationship, generally, is rationalized medical evidence. This consists of a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors.⁹ 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.¹⁰ The mere fact that a condition manifests itself during a period of employment does not raise an inference that the condition is causally related to work factors.¹¹

Appellant submitted medical reports dated August 15, September 25 and October 12, 2001 from Dr. Phillip C. Haeck, Board-certified in plastic surgery, as well as an April 18, 2002 note restricting appellant's use of her right hand to two hours a day.

In the August 15, 2001 report, Dr. Haeck related appellant's complaints of numbness and tingling in her upper extremities and found positive Tinel's sign over both median and ulnar nerves. He stated that appellant believed she had carpal tunnel syndrome and recommended conservative treatment and nerve conduction studies.

⁵ *David M. Ibarra*, 48 ECAB 218 (1996); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁶ *Ruth Seuell*, 48 ECAB 188, 192 (1996).

⁷ *Arturo Adame*, 49 ECAB 421, 424 (1998); 20 C.F.R. § 10.5(q) (defining an occupational disease or illness as "a condition produced by the work environment over a period longer than a single workday or shift.")

⁸ *Elizabeth Stanislav*, 49 ECAB 540-41 (1998).

⁹ *Duane B. Harris*, 49 ECAB 170, 173 (1997).

¹⁰ *Gary L. Fowler*, 45 ECAB 365, (1994).

¹¹ *Doris J. Wright*, 50 ECAB 230, 237 (1997).

On September 25, 2001 Dr. Haeck stated that appellant had a normal thyroid level, which would virtually rule out a metabolic cause of her bilateral carpal tunnel syndrome. He added:

“We discussed that this is most likely related to her work and most likely related to her use of a laptop in the field during the week of October 13 [to]16, 2000. We will accept an onset date of October 13, 2000 and proceed as if this is work related.”

On October 12, 2001 Dr. Haeck discussed with appellant the results of her October 2, 2001 electromyography testing, which showed only a mild right carpal tunnel and no evidence of active left carpal tunnel or bilateral ulnar neuropathy. He recommended that appellant continue with conservative treatment -- stretching exercises, brace wearing and medication. In the note dated April 18, 2002, Dr. Haeck imposed a work restriction of two hours a day of data entry.

While Dr. Haeck alluded to appellant’s work as a causative factor of her carpal tunnel syndrome, none of his reports explained how inputting notes obtained during her investigative interviews into a laptop computer resulted in carpal tunnel syndrome symptoms.¹² Appellant told Dr. Haeck of her belief that her hand and arm symptoms were caused by this kind of typing, but he offered no rationalized opinion on the medical cause of her condition.

The mere fact that these symptoms arose during the course of appellant’s employment is insufficient to establish a causative factor.¹³ The Office informed appellant of the evidence needed to support her claim and she submitted no rationalized medical opinion from her treating physician. Therefore, the Board finds that appellant has failed to meet her burden of proof to establish the requisite causal relationship between her diagnosed right carpal tunnel syndrome and work factors such as using a laptop computer.

¹² See *Thomas A. Farber*, 50 ECAB 566, 570 (1999) (finding that a physician’s opinion that appellant’s herniated disc could have been caused by bending at work was insufficient to establish that work factors caused his back condition).

¹³ See *Dennis M. Mascarenas*, 49 ECAB 215, 218 (1997) (the mere fact that a condition manifests itself during a period of employment does not raise an inference that the condition is causally related to work factors).

The May 20, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
February 7, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member