

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BELINDA YVETTE COLLINS and U.S. POSTAL SERVICE,
POST OFFICE, Atlanta, GA

*Docket No. 02-1873; Submitted on the Record;
Issued January 31, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant sustained a recurrence of disability beginning March 7, 2001 causally related to her accepted right carpal tunnel syndrome.

On January 9, 1990 appellant, then a 23-year-old letter sorting machine clerk, filed a notice of occupational disease claim alleging that she had hand pain causally related to her federal employment. By letter dated July 2, 1991, the Office of Workers' Compensation Programs accepted appellant's claim for right carpal tunnel syndrome.

On September 9, 1998 the employing establishment offered appellant a position as a modified distribution clerk. Appellant would be able to perform her tasks without keyboard operation or repetitive use of her right hand. Appellant accepted this position. On March 25, 1999 the Office determined that the position of modified distribution clerk represented appellant's wage-earning capacity and adjusted appellant's compensation accordingly.

On April 2, 2001 appellant filed a claim for recurrence of disability as of March 7, 2001. She continued to experience pain in her fingers and wrist, that the pain was more severe at night and that the medication affected her alertness and ability to work. Appellant submitted a letter dated March 2, 2001 from Dr. Sandra Wordlaw-Watkins who stated that appellant had moderate improvement of all conditions since she had been on the day time shift.

In a letter dated March 19, 2001, the employing establishment indicated that appellant worked her rehabilitation position on Tour 1 since 1998, that she asked for a job on Tour 2 and they could not accommodate her. Appellant was detailed in the plant maintenance area and was accepted on a temporary basis. When her supervisor requested that she return to her rehabilitation position on Tour 1, she refused to return and indicated that she would not return to duty unless she received a job on Tour 2.

By decision dated May 31, 2001, the Office denied appellant's claim for a recurrence, as the evidence did not show a material worsening of her condition or that she could no longer perform the duties of the job.

By letter dated August 10, 2001, appellant requested reconsideration and submitted an August 1, 2001 report from Dr. Wordlaw-Watkins, who stated:

"A clinical diagnosis of bilateral carpal tunnel syndrome was made. Just recently the syndrome was again confirmed by a positive nerve conduction study. This syndrome most likely has resulted from repetitive hand movements such as filing and excessive keyboarding. She has been unable to do her routine job requirements because of the bilateral hand numbness and pain she experiences. For this reason she has been unable to work from March 8, 2001 to present. She notes that the pain and numbness and [sic] gotten progressively worse."

Appellant also submitted notes from Dr. Clifford W. Roberson, an orthopedic surgeon, dated March 15 and 22, 2001, who stated:

"Her major problem is currently she is working on the day shift which she has been on for about five months. When she was on the later shift she seemed to have more pain with her wrist which is not unusual with carpal tunnel syndrome since the pain may be worse at night and this in turn entailed the use of more medication, that it affected her alertness and she found she was sleeping on the job at times. Therefore, I do not feel it is unreasonable to switch her to keep her on day shift rather than having her switch to night shift."

In a September 24, 2001 note, Dr. Joseph N. Saba, a Board-certified neurologist, indicated that appellant needed surgery on her right hand due to her carpal tunnel syndrome, and that this was due to excessive hand use on her job.

In a decision dated October 17, 2001, the Office denied modification of the May 31, 2001 decision as the evidence did not support a material worsening of appellant's accepted right carpal tunnel syndrome.

On December 1, 2001 appellant requested reconsideration and submitted a November 26, 2001 report by Dr. Wordlaw-Watkins, who noted that appellant had been a patient of the Meridan Medical Group for over 10 years, and that she had been her primary care physician for the past year. Dr. Wordlaw-Watkins noted that appellant had several problems, including degenerative joint disease, morbid obesity, hyperthyroidism, carpal tunnel syndrome and hypertension. It was her clinical opinion that appellant's carpal tunnel syndrome was consistent with work-related activities. She noted that she referred appellant to Dr. Saba for a second opinion. Dr. Wordlaw-Watkins also clarified her March 2, 2001 letter by indicating that appellant's hypertension, chronic knee pain and obesity were improved since appellant worked the day shift, but that she did not state that her carpal tunnel syndrome had improved.

Dr. Wordlaw-Watkins referred appellant to Dr. Saba, who in a July 25, 2001 report indicated that appellant had definite right carpal tunnel syndrome, mild neurosensory hearing loss, asthma, hypothyroidism and a significant overweight state. He recommended that appellant

wear a short wrist splint, continue anti-inflammatory medication, and avoid excessive hand use. In a September 24, 2001 report, Dr. Saba indicated that appellant was becoming extremely symptomatic with regard to her right carpal tunnel syndrome. He noted a positive Phalen at right wrist and that her right wrist grip was weak because of the pain and tenderness. He opined that appellant's right carpal tunnel syndrome was caused by excessive hand use on the job. He recommended carpal tunnel surgery.

By decision dated April 18, 2002, the Office denied modification of the prior decision.

The Board finds that appellant has not established that she sustained a recurrence of disability beginning on March 7, 2001 causally related to her accepted right carpal tunnel syndrome.

When an employee, who is disabled from the job he or she held when injured on account of employment-related residuals, returns to a light-duty position, the employee has the burden to establish by the weight of the reliable, probative and substantial evidence, a recurrence of total disability and to show that he or she cannot perform such light duty. As part of this burden, the employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty job requirements.¹

There is no evidence in the record that appellant's job duties changed. In her August 1, 2001 report, Dr. Wordlaw-Watkins indicated that appellant "was unable to do her routine job requirements because of the bilateral hand numbness and pain she experiences," and that, therefore, "she has been unable to work from March 8, 2001 to present." She also noted that the pain and numbness were worse. However, Dr. Wordlaw-Watkins did not indicate that she had an understanding of appellant's job requirements. Dr. Wordlaw-Watkins opined that appellant's condition "most likely resulted from repetitive hand movements such as filing and excessive keyboarding." However, according to the limited-duty position description, appellant was not required to use a keyboard or repetitive movements of her right hand. Although Dr. Roberson indicated that appellant had more pain when she worked on a later shift the report does not contain a well-rationalized opinion on how appellant's condition caused or contributed to by his accepted injury. Dr. Saba indicated that appellant was becoming extremely symptomatic, but he did not indicate that he understood the requirements of appellant's work position nor did he indicate that appellant's condition had worsened to the extent that she was unable to work in her light-duty position. Therefore, appellant has not shown that she sustained a recurrence of disability on or about March 7, 2001.

¹ *Kim Kiltz*, 51 ECAB 349, 353 (2000); *Terry R. Hedman*, 38 ECAB 222 (1986).

The decisions of the Office of Workers' Compensation Programs dated April 18, 2002 and October 17, 2001 are hereby affirmed.

Dated, Washington, DC
January 31, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member