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YUH-DER LAI, Appellant)	
)	
and)	Docket No. 04-287
)	Issued: March 9, 2004
DEPARTMENT OF VETERANS AFFAIRS,)	
PALO ALTO VETERANS HOSPITAL,)	
Palo Alto, CA, Employer)	
)	

Case Submitted on the Record

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

On November 12, 2003 appellant filed a timely appeal from an Office of Workers' Compensation Programs' decision dated October 9, 2003 denying her claim for aggravation of right carpal tunnel syndrome. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

The issue is whether appellant sustained an aggravation of her right carpal tunnel syndrome due to factors of her federal employment.

On June 20, 2003 appellant, then a 52-year-old nurse, filed an occupational disease claim alleging that her right wrist carpal tunnel syndrome was aggravated when she moved heavy loads of x-ray films from cart to cart while working in the orthopedic clinic.

On August 8 and September 16, 2003 the Office advised appellant that she needed to submit additional evidence in support of her claim, including a comprehensive medical report from her treating physician containing a rationalized explanation of how her right carpal tunnel syndrome was aggravated by her work duties. Appellant did not submit the requested information.

By decision dated October 9, 2003, the Office denied appellant's claim on the grounds that the evidence of record failed to establish that she sustained an injury caused or aggravated by factors of her employment.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden to establish the essential elements of his or her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit 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.²

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

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence.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.⁵ The mere fact that a condition manifests itself during a period of

¹ 5 U.S.C. §§ 8101-8193.

² *Joseph W. Kripp*, 55 ECAB ____ (Docket No. 03-1814, issued October 3, 2003); *Walter D. Morehead*, 31 ECAB 188 (1979) (occupational disease or illness).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ The Board has held that, in certain cases, where the causal connection is obvious, expert medical testimony may not be necessary to establish a claim. *See Naomi A. Lilly*, 10 ECAB 560 (1959). The instant case, however, is not a case of obvious causal connection.

⁵ *Gary L. Fowler*, 45 ECAB 365 (1994); *James D. Carter, Jr.*, 43 ECAB 113 (1991); *Victor J. Woodhams*, *supra* note 3.

employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the claimant's belief that the condition was caused or aggravated by employment conditions is sufficient to establish causal relationship.⁶

ANALYSIS

As noted above, a claimant must submit rationalized medical evidence from a physician explaining how the claimed medical condition is causally related to employment factors identified by the claimant. The Office advised appellant of the necessity for submitting supporting medical evidence but she did not submit the requested information. As appellant did not provide medical evidence establishing that she sustained an aggravation of her right carpal tunnel syndrome due to factors of her federal employment, she did not meet her burden of proof.

CONCLUSION

Appellant failed to meet her burden of proof by submitting medical evidence establishing that her claimed aggravation of her right carpal tunnel syndrome was due to factors of her employment. Therefore, the Office properly denied her claim.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 19, 2003 is affirmed.

Issued: March 9, 2004
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

⁶ *Robert A. Boyle*, 54 ECAB ____ (Docket No. 02-2177, issued January 27, 2003); *Donna L. Mims*, 53 ECAB ____ (Docket No. 01-1835, issued August 13, 2002); *Dennis M. Mascarenas*, 49 ECAB 215 (1997).