

describing her symptoms and the medical reasons for her condition, and an opinion as to whether her claimed condition was causally related to her federal employment. The Office requested that appellant submit the additional evidence within 30 days.

In support of her claim, appellant submitted a January 2, 2007 form report, an undated Form CA-20 and a February 23, 2007 Form CA-20 from Dr. Marcy Dickey, an osteopath, who diagnosed carpal tunnel syndrome, stated findings on examination and indicated that she had performed carpal tunnel release surgery on November 20, 2006 and January 3, 2007.

By decision dated April 16, 2007, the Office denied appellant's claim, finding that she failed to submit medical evidence sufficient to establish that she sustained the claimed bilateral carpal tunnel condition in the performance of duty.

By letter dated May 10, 2007, appellant's attorney requested an oral hearing, which was held on September 19, 2007.

In an undated report, Dr. Anne S. Grantham, Board-certified in family practice, stated:

“[Appellant was] seen on May 24, 2005 for shoulder, neck and arm pain. She was given Flexeril and a referral to a chiropractor. These treatments did not help [appellant's] repetitive motion injuries, so she was subsequently referred to the surgeon of her choice to further evaluate and treat these problems.”

Appellant submitted an October 17, 2006 electromyogram (EMG) report from Dr. Roger Weiss, an osteopath, who indicated that appellant had a history of right shoulder pain and numbness of the arm and hand. The results of the EMG were normal.

Appellant also submitted the employing establishment's job description for a mail processor. This description indicated that she was required to perform multiple tasks and meet various physical functions and stated that “speed is a necessity.” The employee was required to lift a minimum of one to two trays of letter mail, each of which weighed approximately 20 to 25 pounds, from near the floor to above the shoulders and turn them upside down on the ledge of the machinery so that the mail could be fed through a sorter. Appellant was expected to keep the ledge full in order to prevent a delay in sorting. The job required frequent turning, twisting, bending and lifting, before the employee was required to place the mail in another tray that might be at knee or shoulder level and then place the tray in a container, to be sent to its next location.

By decision dated November 8, 2007, an Office hearing representative affirmed the April 16, 2007 Office decision.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an “employee of the United States” within the meaning of the Act, that the claim was

¹ 5 U.S.C. §§ 8101-8193.

timely filed within the applicable time limitation period of the Act, 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.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

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. The medical evidence required to establish causal relationship is usually rationalized medical evidence. 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.⁴

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her claimed bilateral carpal tunnel condition and her federal employment. This burden includes providing medical evidence from a physician who concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.⁵

ANALYSIS

The Board finds that appellant has failed to submit any medical evidence containing a rationalized, probative report which relates her claimed bilateral carpal tunnel condition to factors of her employment. For this reason, she has not discharged her burden of proof to establish her claim that this condition was sustained in the performance of duty.

Appellant submitted reports from Drs. Dickey and Grantham, but neither of these physicians addressed how her diagnosed bilateral carpal tunnel condition was causally related to employment factors. Dr. Dickey diagnosed carpal tunnel syndrome, stated findings on examination and indicated that she had performed carpal tunnel release surgery on November 20,

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

⁴ *Id.*

⁵ *See Nicolea Brusio*, 33 ECAB 1138, 1140 (1982).

2006 and January 3, 2007. Dr. Grantham stated in her May 24, 2005 report that appellant had repetitive motion injuries and was referred to a surgeon to further evaluate and treat these problems. Neither of these physicians, however, explained how appellant's duties as a mail processor would cause or contribute to her bilateral carpal tunnel condition. The mere fact that appellant was asymptomatic of prior problems or that the condition manifested itself during a period of employment does not raise an inference of causal relation.⁶ The opinions of Drs. Dickey and Grantham are of limited probative value as they do not contain medical rationale explaining how or why appellant's bilateral carpal tunnel syndrome was currently affected by or related to factors of her employment.⁷

The weight of medical opinion is determined by the opportunity for and thoroughness of examination, the accuracy and completeness of physician's knowledge of the facts of the case, the medical history provided, the care of analysis manifested and the medical rationale expressed in support of stated conclusions.⁸ Neither of the physicians of record submitted an opinion which sufficiently described how appellant's employment would have caused the diagnosed condition. The Office therefore properly found that appellant did not sustain a bilateral carpal tunnel condition in the performance of duty.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship.⁹ Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence. The Office advised appellant of the evidence required to establish her claim. However, she failed to submit such evidence. Accordingly, the Office properly denied appellants' claim for compensation based on a bilateral carpal tunnel condition.

CONCLUSION

The Board finds that appellant has failed to meet her burden of proof to establish that her bilateral carpal tunnel condition was sustained in the performance of duty.

⁶ See *Ernest St. Pierre*, 51 ECAB 623 (2000).

⁷ *William C. Thomas*, 45 ECAB 591 (1994).

⁸ See *Anna C. Leanza*, 48 ECAB 115 (1996).

⁹ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the November 8 and April 16, 2007 decisions of the Office of Workers' Compensation Programs be affirmed.

Issued: June 4, 2008
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board