

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BILLYE JEAN ARMSTRONG and DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY, Washington, D.C.

*Docket No. 97-496; Submitted on the Record;
Issued October 2, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she developed carpal tunnel syndrome due to factors of her federal employment.

The Board has duly reviewed the case on appeal and finds that appellant failed to meet her burden of proof in establishing that she developed carpal tunnel syndrome due to factors of her federal employment.

Appellant filed a notice of occupational disease on December 14, 1995 alleging that on November 27, 1995 she became aware of her condition of carpal tunnel syndrome in her right hand and its relationship to factors of her federal employment. By decision dated March 11, 1996, the Office of Workers' Compensation Programs denied appellant's claim finding that she failed to submit sufficient medical evidence to meet her burden of proof.

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 evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.¹

¹ *Lourdes Harris*, 45 ECAB 545, 547 (1994).

In this case, appellant submitted factual evidence establishing that she was exposed to repetitive typing, collating books, stuffing envelopes and labeling envelopes in the performance of her federal duties. However, appellant has failed to submit the necessary medical evidence to establish that she sustained an injury as a result of these duties.

Appellant submitted notes from Dr. Joseph P. Laukaitas, a Board-certified internist, dated December 15, 1995 noting that appellant could return to work with restrictions. Dr. Laukaitas did not provide a diagnosis of appellant's condition, or any indication of the causal relationship between appellant's condition and the established factors of employment.² Therefore, appellant has failed to submit the necessary medical evidence and failed to meet her burden of proof.³

The March 11, 1996 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
October 2, 1998

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

² The Office, by letter dated February 5, 1996, notified appellant that they required additional medical reports and information within 30 days or they would render a decision based on the evidence in the file. Appellant failed to respond within the requisite time to this request.

³ The Board notes that appellant submitted additional new evidence following the Office's March 11, 1996 decision. As the Office did not review this evidence in reaching a final decision, the Board may not consider it for the first time on appeal. 20 C.F.R. § 501.2(c).