

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JANICE C. ROHR and U.S. POSTAL SERVICE,  
POST OFFICE, Greenville, Tenn.

*Docket No. 98-633; Submitted on the Record;  
Issued July 16, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
BRADLEY T. KNOTT

The issue is whether appellant has established that she sustained carpal tunnel syndrome that was causally related to factors of her federal employment.

On December 12, 1996 appellant, then a 33-year-old part-time rural carrier associate, filed an occupational disease claim, alleging that she sustained carpal tunnel syndrome which she first became aware of on August 20, 1996 and realized that it was causally related to factors of her federal employment on December 6, 1996. Appellant stopped work on September 28, 1996. By decision dated March 27, 1997, the Office of Workers' Compensation Programs denied her claim on the grounds that her claimed condition was not causally related to factors of her federal employment.

The Board has duly reviewed the entire case record on appeal and finds that appellant has not established that she sustained carpal tunnel syndrome that was causally related to factors of her federal employment.

An award of compensation may not be based on surmise, conjecture, speculation, or appellant's belief of causal relationship.<sup>1</sup> The Board has held that the mere fact that a disease or condition manifests itself during a period of employment does not raise an inference of causal relationship between the condition and the employment.<sup>2</sup> Neither the fact that the condition became apparent during a period of employment nor appellant's belief that employment caused or aggravated her condition is sufficient to establish causal relationship.<sup>3</sup> While the medical opinion of a physician supporting causal relationship does not have to reduce the cause or

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<sup>1</sup> *Williams Nimitz, Jr.*, 30 ECAB 567, 570 (1979); *Miriam L. Jackson Gholikely*, 5 ECAB 537, 538-39 (1953).

<sup>2</sup> *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

<sup>3</sup> *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

etiology of a disease or condition to an absolute certainty,<sup>4</sup> neither can such opinion be speculative or equivocal. The opinion of a physician supporting causal relationship must be one of reasonable medical certainty that the condition for which compensation is claimed is causally related to federal employment and such relationship must be supported with affirmative evidence, explained by medical rationale and be based upon a complete and accurate medical and factual background of the claimant.<sup>5</sup>

In the present case, the Office denied appellant's claim for compensation on the grounds that the medical evidence of record did not establish that her claimed condition was causally related to factors of her federal employment. Appellant submitted evidence including reports by Dr. Harry J. Stumm, who diagnosed right carpal tunnel syndrome, mild ulnar nerve entrapment and rotator cuff tendinitis. She also submitted nerve conduction studies which revealed mild ulnar nerve entrapment at the right elbow but were normal for carpal tunnel syndrome. By letter dated January 23, 1997, appellant was advised by the Office of the need to submit additional medical evidence, including a rationalized medical report which related her claimed disorders to her specific work duties. Thereafter, appellant submitted the aforementioned reports by Dr. Stumm. However, his reports did not relate appellant's diagnosed conditions to factors of her federal employment. Appellant also submitted a letter by an insurance secretary at her treating physician's office dated March 6, 1997. The insurance secretary noted that appellant was treated for tendinitis verses carpal tunnel syndrome of the right wrist following injury on the job. The statement from the insurance secretary cannot be construed as competent medical evidence regarding the cause of appellant's claimed condition since she is not a physician within the meaning of the Federal Employees' Compensation Act, and, therefore, her opinion does not constitute probative evidence in this regard.<sup>6</sup> As appellant has not submitted sufficient medical evidence to establish a causal relationship between her claimed condition and factors of federal employment, she has not met her burden of proof.

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<sup>4</sup> See *Kenneth J. Deerman*, 34 ECAB 641 (1983).

<sup>5</sup> See *Margaret A. Donnelly*, 15 ECAB 40 (1963); *Morris Scanlon*, 11 ECAB 384 (1960).

<sup>6</sup> See 5 U.S.C. § 8101(2); see generally *Joseph N. Fassi*, 42 ECAB 677 (1991); *Betty G. Myrick*, 35 ECAB 922 (1984).

The decision of the Office of Workers' Compensation Programs dated March 27, 1997 is hereby affirmed.

Dated, Washington, D.C.  
July 16, 1999

Michael J. Walsh  
Chairman

George E. Rivers  
Member

Bradley T. Knott  
Alternate Member