

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EDITH M. WOODSON and U.S. POSTAL SERVICE, NEW JERSEY
INTERNATIONAL & BULK MAIL CENTER, Jersey City, NJ

*Docket No. 00-700; Submitted on the Record;
Issued January 8, 2001*

DECISION and ORDER

Before DAVID S. GERSON, PRISCILLA ANNE SCHWAB,
VALERIE D. EVANS-HARRELL

The issue is whether the Office of Workers' Compensation Programs properly terminated medical benefits effective May 22, 1998.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the February 8, 1999 decision of the hearing representative of the Office of Workers' Compensation Programs is in accordance with the facts and the law in this case, and hereby adopts the findings and conclusions of the Office hearing representative.¹

Following the February 8, 1999 decision of the Office hearing representative, appellant requested reconsideration on three separate occasions. The Office concluded in an April 6, 1999 decision that the evidence submitted on reconsideration was insufficient to warrant modification of the prior decision. On April 30, 1999 the Office denied merit review on the grounds that the submitted evidence was duplicative and ambiguous. The Office most recently denied modification in a merit decision dated October 6, 1999.

In her various requests for reconsideration, appellant argued that she continued to suffer from residuals of her accepted condition of bilateral carpal tunnel syndrome. She also sought authorization for surgery on her right wrist, which was performed on April 1, 1999. The relevant evidence submitted on reconsideration consisted of a January 11, 1999 electromyogram and nerve conduction velocity (EMG/NCV) study and the treatment notes and operative report from Dr. Thomas E. Helbig, a Board-certified orthopedic surgeon.

¹ The right to medical benefits for an accepted condition is not limited to the period of entitlement to compensation for disability. *Furman G. Peake*, 41 ECAB 361, 364 (1990). To terminate authorization for medical treatment, the Office must establish that appellant no longer has residuals of an employment-related condition which requires further medical treatment. *Id.*; *Calvin S. Mays*, 39 ECAB 993 (1988). In the instant case, the Office relied on the September 11, 1997 report of Dr. Walter M. Flax, an Office referral physician specializing in occupational orthopedic medicine. He found that appellant had made an excellent recovery from her March 1997 surgery on her left wrist and that surgery for her right wrist was not indicated as there was no clinical evidence of right carpal tunnel syndrome. Dr. Flax concluded that in view of the "normal findings of her right wrist," appellant was capable of resuming her regular duties as a mailhandler.

The January 11, 1999 EMG/NCV study was interpreted as demonstrating persistent evidence of right carpal tunnel syndrome involving sensory nerve only and possible peripheral neuropathy. Dr. Helbig similarly diagnosed right carpal tunnel syndrome and he performed a right carpal tunnel release and right trigger thumb release on April 1, 1999.

In the instant case, the Office properly terminated medical benefits based on the September 11, 1997 report of Dr. Flax, an occupational orthopedic medicine specialist serving as an office referral physician. At the time of his examination, Dr. Flax noted “normal findings” with respect to appellant’s right wrist. While the medical evidence submitted on reconsideration indicated the presence of right carpal tunnel syndrome in January 1999 and thereafter, this evidence does not attribute appellant’s current condition to her federal employment. In fact, Dr. Helbig’s treatment notes and operative report do not address the issue of causal relationship. The only mention of appellant’s employment appears in Dr. Helbig’s April 1, 1999 operative report wherein he noted that she “works as a casual employee.” Although the Office advised appellant of the necessity of obtaining an opinion from Dr. Helbig addressing the issue of causal relationship, no such opinion was provided.

As the evidence submitted on reconsideration fails to establish a causal relationship between appellant’s current condition and her previously accepted employment-related bilateral carpal tunnel syndrome,² the Office properly concluded that the newly submitted evidence was insufficient to warrant modification of the prior decision.

The October 6, April 30 and 6 and February 8, 1999 decisions of the Office of Workers’ Compensation Programs are hereby affirmed.

Dated, Washington, DC
January 8, 2001

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member

Valerie D. Evans-Harrell
Alternate Member

² Appellant has the burden of proof to establish that any medical condition or disability for work for which she claims compensation is causally related to the accepted injury. *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).