

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SANDRA I. SHAY and DEPARTMENT OF THE ARMY,
ECS #87, McGregor Range, NM

*Docket No. 00-1144; Submitted on the Record;
Issued March 20, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant established that she sustained a left wrist condition causally related to factors of her federal employment.

On May 4, 1999 appellant, then a 27-year-old tool and parts attendant, filed a notice of occupational disease and claim for compensation alleging that she discovered a lump on her left wrist and was having numbness in the left hand and fingers. She indicated that May 4, 1999 was the date she first realized her condition was caused or aggravated by her employment. Appellant has not stopped work.¹

In a Form CA-20, attending physician's report, dated May 4, 1999, Dr. Efrain Azcarate, diagnosed that appellant had a ganglionic cyst of the left wrist that was "possibly" related to a work injury appellant sustained on "May 4, 1999." Dr. Azcarate prescribed a left wrist splint and medications. He advised that appellant should work light duty with restrictions of no left hand lifting over seven pounds.

In a May 12, 1999 attending physician's report, Dr. Syed A. Yusoof, an internist, diagnosed left neuropathy/ganglionic cyst. He noted that it was necessary to rule out carpal tunnel syndrome. He also check marked a box indicating that appellant's condition was not causally related to her employment.

An electromyogram conducted on May 24, 1999 was interpreted by Dr. Michael J. Mrochek as demonstrating a mild left carpal tunnel syndrome. Dr. Mrochek noted in his report that appellant "has an injury to her left wrist on or about [May 4, 1999]."

In a May 24, 1999 letter, the Office of Workers' Compensation Programs advised appellant of the medial and factual evidence required to establish her claim for compensation.

¹ In support her claim, appellant submitted a job description which outlined the duties required in her position as a tool and parts attendant.

In a decision dated August 16, 1999, the Office denied compensation on the grounds that appellant failed to establish that her diagnosed medical condition was causally related to factors of her employment.

The Board finds that appellant has failed to establish that her left wrist condition is causally related to factors of her federal employment.²

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing 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 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. These are the essential elements of each 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 on 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.⁴

In the instant case, appellant has submitted insufficient medical evidence to discharge her burden of proving that her alleged left wrist condition is causally related to a May 4, 1999 work injury or factors of her employment. Appellant was treated for a ganglionic cyst by Dr. Azacarate, but he could only speculate that appellant's condition was "possibly" related to her employment.⁵ Dr. Yusoof subsequently examined appellant and prepared an attending physician's report on May 12, 1999. He check marked a box on the CA-20 form indicating that appellant's diagnosed condition was not related to her employment. Additionally, although Dr. Myrochek noted that appellant sustained an injury to her left wrist on or about May 4, 1999, he did not explain the nature of the injury or discuss a causal relationship between appellant's work factors and the diagnosed condition of left carpal tunnel syndrome.

Inasmuch as there is no affirmative and rationalized medical opinion of record stating that appellant suffers from a left wrist condition causally related to her employment activities or

² Appellant submitted evidence on appeal. The Board notes that it has no jurisdiction to review evidence that was not before the Office at the time of the issuance of the August 16, 1999 decision. *See* 20 C.F.R. § 501.2(c).

³ *Doyle W. Richetts*, 48 ECAB 167 (1996).

⁴ *Ruth Seuell*, 48 ECAB 188 (1996).

⁵ The Board has often held that an opinion which is speculative in nature has limited probative value in determining the issue of causal relationship. *Arthur P. Vilet*, 31 ECAB 366 (1979).

a specific work injury, the Board finds that the Office properly denied appellant's claim for compensation.

The decision of the Office of Workers' Compensation Programs dated August 16, 1999 is hereby affirmed.

Dated, Washington, DC
March 20, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member