

**United States Department of Labor
Employees' Compensation Appeals Board**

MARY M. BRYANT, Appellant

and

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL
CENTER, Salisbury, NC, Employer

)
)
)
)
)
)
)
)
)
)
)

**Docket No. 04-1036
Issued: July 20, 2004**

Appearances:
Mary M. Bryant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

COLLEEN DUFFY KIKO, Member
DAVID S. GERSON, Alternate Member
WILLIE T.C. THOMAS, Alternate Member

JURISDICTION

On March 10, 2004 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated December 30, 2003 denying appellant's occupational disease claim on the grounds that appellant had not established an injury causally related to employment factors on March 10, 2003. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue on appeal is whether appellant met her burden of proof to establish that her bilateral carpal tunnel syndrome was caused or aggravated by factors of her federal employment.

FACTUAL HISTORY

On November 19, 2003 appellant, then a 51-year-old nurse, filed an occupational disease claim alleging that she developed sharp pain and intermittent tingling and numbness in both wrists and shoulders after 18 years of lifting and repositioning elderly patients in the

performance of her duties. She indicated that she first became aware of her condition on March 10, 2003.

By letter dated November 20, 2003, the Office informed appellant of the type of evidence needed to support her claim and requested that she submit such evidence within 30 days. Appellant submitted a report of emergency treatment dated March 10, 2003 which indicated that appellant was restricted from heavy use of her right hand and may need a carpal tunnel work up. Appellant also submitted a treatment note from Dr. Edward Hill, an attending physician dated May 14, 2003 which indicated that appellant had related continued symptoms of carpal tunnel syndrome, worse on the right for which she would undergo testing. In a medical note dated June 11, 2003, Dr. Richard Adams, a Board-certified orthopedic surgeon indicated that nerve conduction velocities (NVC) studies had been performed by Dr. Hill which rated appellant as having severe carpal tunnel syndrome on the right and moderate carpal tunnel on the left. He further stated: "This is probably related to her work. She talked with the doctors at the VA where she works and they also feel that this is work related." Appellant also submitted results from the NVC studies performed which confirmed severe right carpal tunnel syndrome and moderate left carpal tunnel syndrome. Appellant underwent right carpal tunnel release on September 11, 2003.

In a decision dated December 30, 2003, the Office denied appellant's claim on the grounds that the medical evidence of record failed to establish that her diagnosed medical condition was caused or aggravated by factors of her employment.

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 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

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused by her employment. As part of this burden she must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation.⁴

¹ 5 U.S.C. §§ 8101-8193.

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

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

⁴ *Arlonia B. Taylor*, 44 ECAB 591, 595 (1993).

ANALYSIS

In the present case, appellant has submitted insufficient medical evidence to establish that her bilateral carpal tunnel syndrome was caused or aggravated by factors of her federal employment. The medical evidence of record, evaluation and diagnostic reports which revealed carpal tunnel syndrome bilaterally, fail to provide a discussion of how appellant's federal duties would have caused or contributed to her medical condition. The report from Dr. Adams dated June 11, 2003 stated that appellant's condition was "probably related to her work." At best, his opinion is speculative as to the etiology of appellant's bilateral wrist condition, stating only that it could be related to employment factors. Dr. Adams also did not provide a reasoned medical opinion⁵ that appellant's wrist condition was in any way caused or aggravated by her work duties. The Office informed appellant of the deficiencies in the medical evidence and what was needed to establish her claim in a letter dated November 29, 2003. While appellant submitted evaluation and treatment notes regarding her wrist condition and further, objective evidence by way of a NVC report confirming that she suffered from bilateral carpal tunnel syndrome, the requisite evidence needed to establish the claim was a medical report from her physician that explained how her federal employment contributed to her diagnosed condition.

While appellant believed that her repetitive lifting and repositioning patients at work contributed to her bilateral carpal tunnel syndrome, the record contains insufficient medical opinion explaining how those specific work factors caused and/or aggravated appellant's condition. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁶ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁷ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

As there is no probative, rationalized medical evidence addressing and explaining why appellant's medical condition was caused and/or aggravated by factors of her employment, appellant has not met her burden of proof in establishing that she sustained a medical condition in the performance of duty causally related to factors of employment. The Board, therefore, affirms the Office's finding that appellant did not sustain a compensable injury.⁸

CONCLUSION

The Board finds that appellant failed to meet her burden of proof to establish that her diagnosed medical condition was caused or aggravated in the performance of duty.

⁵ *Solomon Polen*, 51 ECAB 441 (2000); *see also Michael E. Smith*, 50 ECAB 313 (1999).

⁶ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁷ *Id.*

⁸ Appellant submitted new evidence to the Board in support of her appeal request. The Board is limited to review of evidence which was before the Office at the time of its final decision. The Board will therefore not review the new evidence on appeal. 20 C.F.R. § 501.2(c).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 30, 2003 is affirmed.

Issued: July 20, 2004
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member