

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

RICKY G. POFF, Appellant

and

**U.S. POSTAL SERVICE, MELROSE STATION,
Roanoke, VA, Employer**

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**Docket No. 05-1878
Issued: March 23, 2006**

Appearances:
Ricky G. Poff, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On September 12, 2005 appellant filed a timely appeal of August 5 and February 25, 2005 merit decisions of the Office of Workers' Compensation Programs that found he had not established that his left thumb condition was causally related to his employment. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to review the merits of this case.

ISSUE

The issue is whether appellant has established that his left thumb condition is causally related to his employment.

FACTUAL HISTORY

On November 29, 2004 appellant, then a 56-year-old letter carrier, filed an occupational disease claim for a left thumb condition he attributed to catching mail he was pulling down while casing it, which pushed back his thumb. On December 13, 2004 the Office advised him of the evidence needed to establish his claim. Appellant submitted a January 28, 2005 report from Dr. Brian A. Torre, who is Board-certified in orthopedic surgery and in hand surgery, diagnosing

status post basal joint arthroplasty, left thumb, and left carpal tunnel release on November 30, 2004.

By decision dated February 25, 2005, the Office found that appellant had not established that his left thumb condition was causally related to his employment.

In an undated letter received by the Office on February 28, 2005, appellant added, as a cause of his left thumb condition, an incident where the steering wheel of his mail truck kicked back catching his left thumb in one of the spokes. He submitted additional reports from Dr. Torre, including one describing the November 30, 2004 surgery. In a November 27, 2002 report, Dr. Torre set forth a history that appellant had hyperextended his thumb six months ago. Basal joint arthritis was diagnosed and the thumb was injected. The left thumb was again injected on December 22, 2003 for pain and in a November 3, 2004 report, Dr. Torre diagnosed carpal tunnel syndrome and osteoarthritis of the left thumb basal joint. In a March 1, 2005 report, Dr. Torre stated that appellant's postoperative course was satisfactory with appropriate pain and weakness, and that he could return to light duty.

By decision dated August 5, 2005, the Office denied modification of its February 25, 2005 prior decision.

LEGAL PRECEDENT

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his condition was caused or adversely affected by his employment. As part of this burden he must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.¹ Causal relation is a medical question that generally can be resolved only through medical opinion evidence.²

ANALYSIS

Appellant has not submitted any medical evidence indicating that his left thumb condition is causally related to his employment. The reports from Dr. Torre describe his condition and the surgery performed, but do not address whether the left thumb condition or the surgery was for an employment-related condition. Appellant has not met his burden of proof.

CONCLUSION

The Board finds that appellant has not established that his left thumb condition is causally related to his employment.

¹ *Froilan Negron Marrero*, 33 ECAB 796 (1982).

² *Robert G. Morris*, 48 ECAB 238 (1996); *Ausberto Guzman*, 25 ECAB 362 (1974).

ORDER

IT IS HEREBY ORDERED THAT the August 5 and February 25, 2005 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: March 23, 2006
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board