

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

J.C., Appellant

and

**U.S. POSTAL SERVICE, CUSTER ANNEX,
Salt Lake City, UT, Employer**

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**Docket No. 06-2122
Issued: January 19, 2007**

Appearances:
Appellant, 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
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On September 18, 2006 appellant filed a timely appeal from a decision of the Office of Workers' Compensation Programs dated July 17, 2006 which denied her claim. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over this case.

ISSUE

The issue is whether appellant met her burden of proof to establish that she has wrist conditions causally related to factors of her federal employment.

FACTUAL HISTORY

On April 19, 2006 appellant, then a 54-year-old postal clerk, filed an occupational disease claim, Form CA-2, alleging that she had worsening pain in her wrists with any use of her hands. She did not stop work. By letters dated April 21, 2006, the Office informed appellant of the type of evidence needed to develop her claim and requested that the employing establishment respond. On May 4, 2006 Al Hunt, appellant's supervisor in the stamp distribution office, noted that appellant would have to lift up to 70 pounds and provided a job description for the position

of postal clerk. In a May 11, 2006 statement, appellant provided her job history and described her job duties which included throwing mail, keying, lifting heavy mail trays and boxes of stamps, loading and unloading bins, and counting thousands of stamps daily. She submitted an April 27, 2006 report in which Dr. Kipley J. Siggard, a Board-certified orthopedist, noted her complaints of bilateral wrist numbness and tingling. He opined that her examination was consistent with bilateral carpal tunnel syndrome with positive Tinel's and Phalen's tests and a mild component of cubital tunnel syndrome. Upper extremity electromyography (EMG) and nerve conduction studies were performed on May 12, 2006 and were interpreted as demonstrating right median neuropathy compatible with carpal tunnel syndrome. Pains derived from nonnerve mechanisms such as joints or ligaments also seemed likely.

In a letter dated June 29, 2006, the Office requested that Dr. Siggard furnish additional information regarding appellant's condition to include a reasoned opinion on the relationship between the diagnosed condition and factors of employment. The Office requested that he respond in 15 days and sent a copy of the letter to appellant. By decision dated July 17, 2006, the Office accepted that appellant's work events included repetitive motions and lifting and denied the claim on the grounds that the medical evidence did not establish that her diagnosed condition was caused by factors of her federal employment.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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. Regardless of whether the asserted claim involves traumatic injury or occupational disease, an employee must satisfy this burden of proof.²

Office regulations define the term "occupational disease or illness" as a condition produced by the work environment over a period longer than a single workday or shift."³ To establish that an injury was sustained in the performance of duty in an 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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion must be one of reasonable medical certainty and must be supported by medical rationale

¹ 5 U.S.C. §§ 8101-8193.

² *Gary J. Watling*, 52 ECAB 278 (2001).

³ 20 C.F.R. § 10.5(ee).

explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴

Causal relationship is a medical issue and the medical evidence required to establish a causal relationship is rationalized medical evidence.⁵ Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁶ Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁷

ANALYSIS

The Board finds that appellant sustained employment-related events of repetitive motion and lifting but that she failed to meet her burden of proof to establish that she sustained a wrist condition caused by these employment factors. Neither Dr. Siggard's April 27, 2006 report nor the May 12, 2006 EMG study contained an opinion regarding the cause of any diagnosed condition, and medical evidence that does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.⁸ The fact that work activities produced pain or discomfort revelatory of an underlying condition does not raise an inference of causal relationship,⁹ and a diagnosis of "pain" does not constitute the basis for payment of compensation.¹⁰ While the medical opinion of a physician supporting causal relationship does not have to reduce the cause or etiology of a disease or condition to an absolute certainty, 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.¹¹ On June 29, 2006 the Office requested that Dr. Siggard provide an opinion on the cause of appellant's diagnosed

⁴ *Solomon Polen*, 51 ECAB 341 (2000).

⁵ *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

⁶ *Id.*

⁷ *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

⁸ *Willie M. Miller*, 53 ECAB 697 (2002).

⁹ *Jimmie H. Duckett*, 52 ECAB 332 (2001).

¹⁰ *Robert Broome*, 55 ECAB 339 (2004).

¹¹ *Patricia J. Glenn*, 53 ECAB 159 (2001).

condition. He did not timely respond.¹² The medical evidence in this case is insufficient to meet appellant's burden of proof.

CONCLUSION

The Board finds that appellant did not establish that she sustained an employment-related wrist condition.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated July 17, 2006 be affirmed.

Issued: January 19, 2007
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board

¹² The Board notes that appellant submitted evidence to the Office subsequent to the July 17, 2006 decision. The Board cannot consider this evidence, however, as its review of the case is limited to that evidence which was before the Office at the time it rendered its final decision. 20 C.F.R. § 501.2c. Appellant retains the right to submit a valid reconsideration request with the Office. *See* 5 U.S.C. § 8128(a); 20 C.F.R. § 10.606.