

¹ 5 U.S.C. § 8101 *et seq.*

employment. She stated that her job required use of a computer at all times and she had difficulty in pressing the keys on the keyboard due to severe pain in her right hand and wrist. Appellant stated that diagnostic testing had confirmed bilateral carpal tunnel syndrome.

By letter dated December 27, 2011, OWCP advised appellant that it required additional factual and medical evidence in support of her claim. It requested a comprehensive medical report from a physician addressing her work duties and the issue of causal relation.

Appellant submitted a November 8, 2011 statement in which she noted that her various positions required using a keyboard about seven hours of an eight-hour shift. She provided November 22, 2011 electromyogram test results by Dr. Steven M. Croft. The employing establishment submitted a December 2, 2011 agency statement, position descriptions and administrative forms.

In a November 8, 2011 report, Dr. Jeffrey E. Budoff, a Board-certified orthopedic surgeon, noted a one-year history of paresthasias of the right radial three digits which worsened over the prior three weeks. He noted that it woke appellant up at night and bothered her with typing and driving. On examination, appellant was found to have positive Tinel's sign, positive Phalen's test and positive carpal compression test. The radial three digits had decreased sensation to light touch, with the thumb being the worst. Finkelstein's test was negative for the wrist. Dr. Budoff diagnosed right carpal tunnel syndrome.

By decision dated February 9, 2012, OWCP denied the claim. It found that appellant failed to submit sufficient medical evidence to establish that her claimed condition was related to factors of employment.

On March 15, 2012 appellant requested reconsideration. In a March 9, 2012 report, Dr. Budoff stated that she had right carpal tunnel syndrome with irreversible changes. He stated that appellant's symptoms were exacerbated by her work activities, specifically typing, which she did for hours each day. Because appellant's symptoms were exacerbated by work, Dr. Budoff stated that this should be considered compensable.

By decision dated May 10, 2012, OWCP denied modification of the prior decision.²

LEGAL PRECEDENT

An employee seeking benefits under FECA 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 FECA, that the claim was timely filed within the applicable time limitation period of FECA, 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.³ These are the essential elements of each and every

² This decision superseded OWCP's March 22, 2012 decision denying appellant's reconsideration request on the grounds there was no substantive legal questions nor new and relevant evidence.

³ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

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 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. The medical evidence required to establish causal relationship is usually rationalized medical evidence.⁵

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her claimed right carpal tunnel condition and her federal employment. This burden includes providing medical evidence from a physician who concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.⁶

ANALYSIS

It is not disputed that appellant used a computer keyboard as part of her work duties. The Board finds that she failed to submit sufficient medical evidence addressing how her claimed carpal tunnel condition as causally related to factors of her employment. For this reason, appellant has not discharged her burden of proof to establish her claim.

Appellant submitted two brief treatment notes from Dr. Budoff, who related findings on examination of the right wrist of a positive Tinel's sign, positive Phalen's test, a positive carpal compression test and decreased sensation to light touch of the radial three digits, with the thumb being the worst. Dr. Budoff diagnosed right carpal tunnel syndrome. He did not, however, provide a review of appellant's work duties or full medical history of her diagnosed condition. Dr. Budoff did not explain how the diagnosed right wrist condition was causally related to employment factors. He stated that appellant had right carpal tunnel syndrome in his November 8, 2011 and March 9, 2012 reports and indicated generally that her symptoms were "exacerbated by her work activities, specifically typing, which she does for hours each day." While Dr. Budoff's history regarding her employment duties corresponds to her own description of her work duties, he did not sufficiently explain the medical process through which such duties were competent to cause or aggravate the claimed condition.⁷ Moreover, he only addressed the right wrist. Dr. Budoff did not present findings or address the left wrist. Dr. Budoff's opinion is

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ *Id.*

⁶ *See Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

⁷ *William C. Thomas*, 45 ECAB 591 (1994).

of limited probative value as it does provide medical rationale explaining how appellant's job duties caused or aggravated the diagnosed condition of right carpal tunnel syndrome. His reports thus did not constitute adequate medical evidence to establish that her claimed condition was causally related to her employment.

An award of compensation may not be based on surmise, conjecture or speculation. Neither, the fact that appellant's condition became apparent during a period of employment nor the belief that her conditions were caused, precipitated or aggravated by her employment is sufficient to establish causal relationship.⁸ Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence.

OWCP advised appellant of the evidence required to establish her claim; however, she failed to submit such evidence. Consequently, appellant has not met her burden of proof in establishing that her right carpal tunnel condition was causally related to her employment.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has failed to meet her burden of proof in establishing that her right carpal tunnel condition was sustained in the performance of duty.

⁸ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the May 10, 2012 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 8, 2013
Washington, DC

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

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

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