



the performance of duty. He first became aware of his condition on August 23, 2013 and first realized that his condition was potentially related to his employment on September 23, 2013.

In support of his claim, appellant submitted a report dated September 23, 2013 from Dr. Jeffrey P. Jenks, a physiatrist, diagnosing moderate to severe bilateral carpal tunnel syndrome based on electromyogram (EMG). Dr. Jenks noted that appellant worked full time as a mail handler sorting mail and that he experienced fairly constant paresthesias in both hands. On examination he found that appellant demonstrated positive Tinel's sign at the wrists bilaterally with decreased sensation in the right ulnar and left median nerve distributions. Appellant's EMG demonstrated absent right median sensory distal latency and significantly prolonged right median motor distal latency. He also found significantly prolonged left median motor and sensory distal latencies. Dr. Wallace K. Larson, a Board-certified orthopedic surgeon, completed a form report on January 8, 2014 and diagnosed carpal tunnel syndrome. Appellant was scheduled to undergo a right wrist carpal tunnel release on January 16, 2014.

In a letter dated January 17, 2014, OWCP requested that appellant submit additional factual and medical information in support of his claim including a physician's opinion as to how his employment activities caused, contributed to or aggravated his carpal tunnel syndrome. It allowed 30 days for a response.

Appellant's supervisor completed a statement on February 5, 2014 and agreed that appellant's employment duties included dumping mail from sacks, cutting ties, facing letter mail and carrying mail to distributors for processing. Appellant was also required to pick up sacks and pouches as well as separate outgoing bulk mail for dispatch and loading trucks. He also cancelled stamps on parcels and letters operating a cancelling machine.

By decision dated February 24, 2014, OWCP denied appellant's claim finding that he failed to submit the necessary medical evidence to establish a causal relationship between his diagnosed condition of carpal tunnel syndrome and his implicated employment duties.

### **LEGAL PRECEDENT**

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 evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.<sup>2</sup>

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<sup>2</sup> *Lourdes Harris*, 45 ECAB 545, 547 (1994).

### ANALYSIS

Appellant has submitted evidence of a diagnosed medical condition, bilateral carpal tunnel syndrome. He has also provided a description of the employment duties which he felt caused or contributed to his condition. The employing establishment agreed that appellant performed these duties. The Board finds, however, that he has not submitted medical evidence establishing that the employment factors identified were the proximate cause of the medical condition of carpal tunnel syndrome, meaning that he has not provided a physician's opinion, as requested, stating that his work duties resulted in his diagnosed condition.

Appellant submitted two medical reports diagnosing carpal tunnel syndrome. Dr. Larson completed a form report which diagnosed carpal tunnel syndrome. He did not provide any opinion regarding the relationship of this condition to appellant's employment duties. Dr. Jenks also diagnosed carpal tunnel syndrome, noting that appellant worked full-time sorting mail in his position as a mail handler. However, he did not offer any medical opinion regarding the relationship between appellant's employment duties and his diagnosed condition.

Neither of the medical reports in the record discussed the proximate cause of appellant's bilateral carpal tunnel syndrome or offered an opinion that his work was implicated in the development of his medical condition. Without medical evidence supporting that his implicated employment duties caused or contributed to his diagnosed condition, the Board finds that he has not met his burden of proof in establishing his occupational disease claim for carpal tunnel syndrome.<sup>3</sup>

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 not submitted the necessary medical opinion evidence establishing that his employment duties as a mail handler caused or contributed to his diagnosed carpal tunnel syndrome and has not, therefore, met his burden of proof in establishing his occupational disease claim.

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<sup>3</sup> A.L., Docket No. 14-753 (issued July 11, 2014).

**ORDER**

**IT IS HEREBY ORDERED THAT** the February 24, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 10, 2014  
Washington, DC

Christopher J. Godfrey, Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge  
Employees' Compensation Appeals Board