

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JERSEY H. GIBBS and DEPARTMENT OF THE NAVY,
CHARLESTON NAVAL SHIPYARD, Charleston, S.C.

*Docket No. 96-598; Submitted on the Record;
Issued January 12, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant had established causal relationship between a bilateral wrist condition and factors of her federal employment.

On June 19, 1992 appellant, a physical science technician, filed a claim alleging that she had sustained synovitis of the right and left wrist as a result of her federal employment. In a narrative statement, appellant described the procedures for reading thermoluminescent dosimeters (TLD), which involved unscrewing caps, pulling out bulbs, opening and closing a drawer and key punching information. In a statement dated November 18, 1992, appellant indicated that she read 160 to 200 TLD's per night. Appellant also stated that she prepared neutrons and film badges, which required prying cases apart with a device or pulling apart with both hands.

By decision dated April 23, 1993, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the medical evidence was not sufficient to establish the claim. In a decision dated August 10, 1994, an Office hearing representative affirmed the prior decision. Appellant requested reconsideration of her claim and by decisions dated August 24 and December 1, 1995, the Office denied modification of its prior decisions.

The Board has reviewed the record and finds that appellant has not established a wrist condition causally related to factors of her federal employment.

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.¹ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.² Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.³

In the present case, appellant submitted a September 11, 1992 report from Dr. John W. Plyler, a neurologist, diagnosing paresthesias and musculoskeletal type pain of uncertain etiology. In a November 18, 1992 report, Dr. Plyler indicated that he did not know the precise underlying etiology of appellant's complaints, but it did seem clear that repetitive stress aggravated the problem. Dr. Plyler does not provide a complete background, nor a reasoned opinion establishing that appellant's condition was causally related to the identified employment factors.

The record contains a July 21, 1994 report from Dr. Carlisle Barfield, a rheumatologist, an August 31, 1994 report from Dr. Plyler and a November 15, 1994 report from Dr. Gerald J. Shealy, an orthopedic surgeon, discussing bilateral carpal tunnel syndrome. None of these physicians provide an opinion relating the condition to appellant's federal employment.

In a report dated October 6, 1995, Dr. James L. Price, Jr., an orthopedic surgeon, diagnosed flexor tenosynovitis of the fingers and hands. Dr. Price stated, "This is directly related to her on-the-job work which includes clerical work and processing numerous forms. This has caused tenosynovitis which affects the index finger of the right hand, particularly since she has to use it as a page turner and the wrist area where the flexor and extensor tendons run through." The Board notes that Dr. Price did not provide a complete factual or medical background, nor does he show familiarity with the identified employment factors. Appellant has discussed specific procedures regarding TLDs and the keypunching of information, while Dr. Price refers only in general terms to clerical work and the processing of forms, without further explanation. The specific activity noted by Dr. Price, page-turning, was not identified or discussed by appellant.

The Board finds that the medical evidence does not contain a reasoned opinion, based on a complete and accurate background, that establishes causal relationship between a tenosynovitis or other condition and appellant's federal employment. It is, as noted above, appellant's burden to establish her claim and the Board finds that she has not met her burden in this case.

¹ *Victor J. Woodhams*, 41 ECAB 345 (1989).

² *See Walter D. Morehead*, 31 ECAB 188 (1979).

³ *Manuel Garcia*, 37 ECAB 767 (1986).

The decisions of the Office of Workers' Compensation Programs dated December 1 and August 24, 1995 are affirmed.

Dated, Washington, D.C.
January 12, 1998

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member