

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONNA M. GRANT and U.S. POSTAL SERVICE,
POST OFFICE, Akron, Ohio

*Docket No. 96-851; Submitted on the Record;
Issued January 14, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained an injury or condition on or before July 17, 1995 while in the performance of duty, causally related to factors of her federal employment.

The Board finds that appellant has failed to establish that she sustained an employment-related injury or condition on or before July 17, 1995 as alleged.

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;¹ (2) a factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;² 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.³ The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized 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,⁴ must be

¹ See *Ronald K. White*, 37 ECAB 176, 178 (1985).

² See *Walter D. Morehead*, 31 ECAB 188, 194 (1979).

³ See generally *Lloyd C. Wiggs*, 32 ECAB 1023, 1029 (1981).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

one of reasonable medical certainty,⁵ 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 In this case appellant has failed to submit the medical evidence required to establish her claim.

In the instant case, appellant submitted an occupational disease claim form and a brief statement regarding the amount of the data conversion duties she performed, which she alleged caused her condition. Also submitted was a prescription sheet containing the statement: "Pending orthopedic consult, [Diagnosis] Arthritis [right] wrist, rule out [c]arpal [t]unnel [s]yndrome. (1) Avoid use of [right] hand for four weeks, (2) Cont[inue] antiinflammatory med[ications] such as Ibuprofen." A return-to-work certificate noted the nature of appellant's illness as "[Right] wrist pain," and an employing establishment authorization for medical report form contained the notation "carpal tunnel syndrome" in the block for medical problems. However, no further description of appellant's specific duties, nor any further medical evidence was submitted.

By letter dated August 30, 1995, the Office requested that appellant provide further information, including a detailed description of the duties implicated in causing her condition, her outside activities, her right upper extremity medical history, and a comprehensive medical report including diagnosis, description of symptoms, and a rationalized medical opinion addressing the relationship between her cited employment duties and the development of her condition.

In response, appellant provided an undated letter stating that as a data conversion operator she typed using her hands and fingers constantly for six to eight hours per day, five days a week, and that she did no other activity requiring repetitive hand or wrist motion.

By letter dated November 13, 1995, the Office advised appellant that it had not received the requested narrative medical report, and it gave her 21 days to submit the evidence. The Office advised that if the requested medical evidence was not received within the time frame established, it would deny her claim.

Nothing further was received by the Office within 21 days.

By decision dated December 5, 1995, the Office rejected appellant's occupational disease claim finding that the evidence of record failed to establish that an injury was sustained as alleged. The Office found that the evidence supported that appellant typed as alleged, but that a resultant medical condition was not supported by the record.

Thereafter the Office received some medical evidence which the Board may not now consider, as it has not previously been considered by the Office in a formal final decision.⁷

⁵ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ See *William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ See 20 C.F.R. § 501.2(c).

As appellant has failed to submit the required medical evidence establishing that she has a definite medical condition, and a medical narrative with rationale supporting that her specific employment duties caused, aggravated or precipitated that condition, she has failed to establish the essential elements of her claim.

Accordingly, the decision of the Office of Workers' Compensation Programs dated December 5, 1995 is hereby affirmed.

Dated, Washington, D.C.
January 14, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member