

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CLIFTON D. BROWN and U.S. POSTAL SERVICE,  
LEBANON POST OFFICE, Lebanon, Oreg.

*Docket No. 96-1718; Submitted on the Record;  
Issued June 26, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that his medical conditions are causally related to factors of his employment.

On October 21, 1994 appellant, then a 54-year-old letter carrier, filed a claim for arthritis in his neck and shoulders, carpal tunnel syndrome, chronic back pain, and epicondylitis.<sup>1</sup> He commented that he first injured his back while bending over and lifting a parcel approximately 12 years previously. He stated that he had chronic pain ever since. He indicated that his neck and shoulder condition had been getting worse for four or five years. In an April 12, 1995 decision the Office of Workers' Compensation Programs rejected appellant's claim on the grounds that he had failed to establish fact of injury. Appellant requested reconsideration. In an August 7, 1995 merit decision the Office denied appellant's request for reconsideration. Appellant again requested reconsideration. In a September 28, 1995 decision the Office denied appellant's request for reconsideration on the grounds that the evidence submitted was cumulative and therefore insufficient to warrant review of the Office's prior decisions.

The Board finds that appellant did not meet his burden of proof in establishing that his cervical condition was causally related to factors of his 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;<sup>2</sup> 2) a factual statement identifying the employment factors alleged to have caused or contributed to the

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<sup>1</sup> Appellant has also filed claims for other conditions, such chronic back pain, which are not addressed in this case record.

<sup>2</sup> See *Ronald K. White*, 37 ECAB 176, 178 (1985).

presence or occurrence of the disease or condition;<sup>3</sup> 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.<sup>4</sup> 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,<sup>5</sup> must be one of reasonable medical certainty,<sup>6</sup> 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.<sup>7</sup>

Appellant submitted a full description of his job, indicating that he had carried a heavy mail bag on his shoulder for 12 to 13 years for 5 to 6 hours a day until neck and shoulder pain became so severe that he was unable to carry a mail bag. Appellant's supervisor and postmaster fully supported appellant's description of his duties and his pain. Appellant therefore has submitted factual statements that clearly set forth the conditions of his job that he believed caused his disability.

In a September 21, 1994 report Dr. Paul Jacobs, a physiatrist, indicated that he first saw appellant on May 26, 1993 for neck and left shoulder pain that was extending down his left arm into his hand. He reported that appellant had some limitation of motion in his neck due to wear and tear arthritis in the mid and lower portions of the cervical spine. He noted that appellant had described his job activities and the repetitive motion of his shoulder, elbow, wrist and hand. He stated that over the year he had examined appellant, the repetitive work activities seemed to be a constant aggravating factor. He commented that with regard to appellant's neurological function he had normal strength and normal sensation throughout the left arm but repetitive use would aggravate pain. In a January 9, 1995 report Dr. Jacobs stated that cervical x-rays showed degenerative changes at C5-C6 and C6-C7 with narrowing of the holes where the nerves emerged. He diagnosed cervical spondylosis or wear and tear type of change with a mild left C5 nerve root irritation. He reported that electrodiagnostic tests showed no signs of pinching of the nerves of the neck but did show signs of compression of the median nerve at the level of the carpal tunnel. He concluded that appellant had chronic overuse soft tissue syndromes involving the rotator cuff and the lateral epicondyle which were quite likely related to overuse at the work site. He also

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<sup>3</sup> See *Walter D. Morehead*, 31 ECAB 188, 194 (1979).

<sup>4</sup> See generally *Lloyd C. Wiggs*, 32 ECAB 1023, 1029 (1981).

<sup>5</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>6</sup> See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

<sup>7</sup> See *William E. Enright*, 31 ECAB 426, 430 (1980).

indicated that appellant had carpal tunnel syndrome and a cervical spondylosis. He commented that the latter was on a degenerative basis and was unrelated to work but was aggravated by repetitive work activities requiring twisting and turning of his head. In a May 14, 1995 memorandum, an Office medical adviser stated that he would accept only temporary aggravation of cervical spondylosis by twisting and turning of the head. In an August 25, 1995 report Dr. Jacobs again stated that appellant had cervical degeneration which was not caused by work. He commented that the work activities that appellant was involved in, with head turning, might be an aggravating factor as well as carrying a mail bag. He indicated, however, that these activities did not cause that type of wear and tear arthritis. He concluded that appellant's cervical arthritis and nerve irritation related to the cervical arthritis were not caused by appellant's work but his work might be an aggravating factor to the precipitation of pain. Dr. Jacobs stated, however, that appellant's shoulder tendinitis and carpal tunnel syndrome, as well as his elbow tendinitis, were related to his work and represented a repetitive overuse condition.

The medical reports of Dr. Jacobs established that appellant's cervical condition and nerve irritation was not caused by factors of his employment. He indicated that the factors of appellant's employment may have precipitated or aggravated appellant's pain in his neck and shoulder. The statements that appellant's employment factors may have aggravated his cervical condition are equivocal and speculative and therefore are have little probative value. Appellant therefore has not met his burden of proof in establishing that his cervical condition was causally related to his employment.

The Board finds, however, that the case is not in posture for decision on appellant's claim for tendinitis of the shoulder and elbow and bilateral carpal tunnel syndrome.

In filing his claim, appellant cited not only his cervical condition but also carpal tunnel syndrome and epicondylitis as causally related to his employment. Dr. Jacobs stated that appellant's shoulder tendinitis, elbow tendinitis and carpal tunnel syndrome were caused by repetitive motion in appellant's work. However, the Office has not addressed whether these conditions are related to appellant's employment as its decisions only addressed appellant's cervical condition. On these conditions, Dr. Jacobs' reports are insufficient to establish that appellant's tendinitis of the shoulder and elbow and carpal tunnel syndrome are causally related to factors of his employment. However, the reports are uncontradicted by any other medical evidence of record and are sufficient to require further development of the record. The case therefore must be remanded for further development of the issue of causal relationship of these conditions to appellant's work. After further development as it may find necessary the Office should issue a *de novo* decision on whether appellant's tendinitis or carpal tunnel syndrome was casually related to factors of his employment.

The decisions of the Office of Workers' Compensation Programs, dated September 28, 1995, August 7, 1995 and April 12, 1995, are hereby affirmed insofar as they find that appellant has not met his burden of proof in establishing that his cervical condition is casually related to his employment. The decisions are set aside and the case remanded for further development on whether appellant's carpal tunnel syndrome and tendinitis of the shoulder and elbow are causally related to factors of his employment.

Dated, Washington, D.C.  
June 26, 1998

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Alternate Member

Bradley T. Knott  
Alternate Member