

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CAROL BROYLES and U.S. POSTAL SERVICE,
POST OFFICE, Indianapolis, Ind.

*Docket No. 97-12; Submitted on the Record;
Issued September 17, 1998*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has established that her carpal tunnel syndrome is causally related to factors of her federal employment.

The Board has duly reviewed the case record and concludes that appellant has not established that her carpal tunnel syndrome is causally related to factors of her federal employment.

On December 12, 1994 appellant, then a 42-year-old former ZMT machine clerk, filed a notice of occupational disease alleging that she developed carpal tunnel syndrome as a result of her federal employment duties. Appellant was terminated by the employing establishment on February 13, 1987. By decision dated August 28, 1995, the Office of Workers' Compensation Programs denied appellant's claim for compensation benefits on the grounds that the evidence of record failed to demonstrate a causal relationship between her federal employment duties and the claimed current condition or disability. By decision dated June 5, 1996, an Office hearing representative affirmed the decision dated August 28, 1995. The Office hearing representative noted that regarding the issue of causal relationship, appellant's treating physician, Dr. Marlene Aldo-Benson, a Board-certified internist, diagnosed carpal tunnel syndrome and indicated by checking a box marked "yes" on an April 28, 1995 attending physician's report, Form CA-20, that appellant's condition was caused by her federal employment duties. The Office hearing representative found Dr. Aldo-Benson's checking of the "yes" box and accompanying brief annotation that appellant worked on a keyboard and that such repeated activity "could cause" carpal tunnel syndrome, provided insufficient medical rationale for the opinion rendered. The Office hearing representative also reviewed an April 19, 1996 narrative medical report provided by Dr. Aldo-Benson in which the physician stated:

"... I have seen [appellant] for her arthritic problems and pain since November 1993. I have diagnosed [appellant] as having carpal tunnel syndrome. Carpal tunnel syndrome is known to be associated with repetitive movements such as

those involved in using the machines in the [employing establishment]. Thus, it is quite likely that [appellant's] carpal tunnel syndrome was associated with her work as a postal clerk....”

The hearing representative found Dr. Aldo-Benson's opinion equivocal and lacking a detailed rationalized opinion regarding the causal relationship between appellant's current condition and her federal employment duties, last performed in February 1987. The hearing representative concluded that appellant failed to provide a medical report in which a physician displayed a knowledge of her employment activities, provided a definitive diagnosis and a rationalized opinion regarding causal relationship between the diagnosed condition and employment activities, and therefore had failed to submit sufficient evidence to establish her claim. The Board concludes that the Office hearing representative reviewed the medical evidence of record and properly concluded that there was insufficient rationalized medical evidence of record to establish that appellant's carpal tunnel syndrome was causally related to the accepted employment injury. The Board hereby adopts the findings of the Office hearing representative.

Appellant, thereafter, requested that the Office reconsider her case. In support of her request for reconsideration, appellant submitted copies of several medical reports previously of record and two new reports from Dr. Melvin Baird, a general practitioner and one of her attending physicians.

By decision dated September 4, 1996, the Office denied modification of the prior decision finding that the medical evidence did not provide a reasoned opinion as to how the condition found on examination is causally related to appellant's federal employment duties.

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing 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 the Act, that the claim was timely filed within the applicable time limitation period of the Act, 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.¹ These are the essential elements of each and every claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.²

There is no dispute that appellant was a federal employee and that she timely filed her claim for compensation benefits. However, the medical evidence is insufficient to establish that appellant sustained a medical condition in the performance of duty because it does not contain a rationalized medical opinion explaining how appellant's carpal tunnel syndrome was caused or aggravated by factors of her federal employment occurring prior to 1987.

¹ *Elaine Pendleton*, 40 ECAB 1143 (1989)

² The Office's regulations clarify that a traumatic injury refers to injury caused by a specific event or incident or series of incidents occurring within a single workday or work shift whereas occupational disease refers to injury produced by employment factors which occur or are present over a period longer than a single workday or shift; *see* 20 C.F.R. §§ 10.5(a)(15)(16).

In a brief report dated April 16, 1996, Dr. Baird stated simply that appellant “developed carpal tunnel syndrome while employed at the [employing establishment].” In a Form CA-20 report dated August 5, 1996, Dr. Baird again diagnosed carpal tunnel syndrome and indicated by checking a box marked “yes” that appellant’s hand condition was causally related to her employment duties. As Dr. Baird did not provide, in either report, any additional explanation or medical rationale for his conclusion, other than repeating that appellant had developed her condition while working at the employing establishment, his opinion is of insufficient probative value to establish appellant’s claim that her carpal tunnel syndrome is causally related to factors of her federal employment.³

The decisions of the Office of Workers’ Compensation Programs dated September 4 and June 5, 1996 are hereby affirmed.

Dated, Washington, D.C.
September 17, 1998

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

³ See *Ruth S. Johnson*, 46 ECAB 237 (1994); see *Linda L. Mendenhall*, 41 ECAB 532 (1990); *George Randolph Taylor*, 6 ECAB 986, 988 (1954) (where the Board held that a medical opinion not fortified by medical rationale is of little probative value).