

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LOUIS L. WALDRON and DEPARTMENT OF AGRICULTURE,
FOOD SAFETY & INSPECTION SERVICE, Minneapolis, MN

*Docket No. 98-743; Submitted on the Record;
Issued December 9, 1999*

DECISION and ORDER

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

The issue is whether appellant sustained an injury in the performance of duty, as alleged.

On August 11, 1997 appellant, then a 54-year-old food inspector, filed an occupational disease claim, Form CA-2, alleging that on July 25, 1997 he felt pain while holding a steering wheel, using wrenches, a hammer and a screwdriver. He stated that he did repetitive motion inspecting poultry for about 10 years, sometimes working double shifts for 16 hours and working more than 48 hours a week and "using [illegible] on beef kills for 4 years." Appellant stated that his hands hurt and he felt numbness when writing, using wrenches and screwdrivers and driving and lifting. A job description of a food inspector stated that the responsibilities typically included inspecting or assuring regulatory inspection of meat and/or poultry products and assuring regulatory compliance.

In a statement dated August 11, 1997, appellant stated that he had worked nine years inspecting poultry plants for the employing establishment, that usually he worked 48 hours a week, "60 percent of the time." He stated that he used a knife to perform inspections for five years and the rest of his time was spent in processing inspection which caused his hand to hurt from writing reports. Appellant stopped working on April 4, 1997 and went on disability retirement for reasons other than his carpal tunnel condition on September 27, 1997.

In his report dated August 11, 1997, appellant's treating physician, Dr. Sreenadha R. Davuluri, a Board-certified neurologist, considered appellant's history of injury, stating that appellant was a meat inspector who complained of pain in his hands associated with numbness. Dr. Davuluri stated that "[t]his is aggravated by movements of his hands such as writing, using his hands for activities of daily living and at work." He stated that his physical examination revealed distal hypalgesia and the electromyogram showed right cubital tunnel syndrome and bilateral carpal tunnel syndrome. Dr. Davuluri prescribed the use of splints.

By letter dated September 26, 1997, the Office of Workers' Compensation Programs requested additional information from appellant including a detailed description of the actual duties he performed for his employer and a description from Dr. Davuluri of his actual job duties and a rationalized opinion as to what caused his medical condition.

By letter dated October 27, 1997, Harold W. Martin, appellant's supervisor of six years at the time, stated that "normally" the report writing of a processed foods inspector would not exceed 15 minutes a day, that all the reports were handwritten and appellant did not use a typewriter or computer. Mr. Martin stated that a processing inspector was "normally" free to take a break at any time, that most of his normal duties required him to walk around and observe the company's processing operation, with little or no use of his hands. He also stated that appellant was required to drive an automobile from 30 to 60 minutes a day.

By decision dated October 31, 1997, the Office denied the claim, stating that the evidence of record was insufficient to establish that he sustained an occupational disease due to factors of his federal employment.

To establish that an injury was sustained in the performance of duty, an appellant must submit the following: (1) medical evidence establishing the presence or existence of the condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the 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 claimant. The medical evidence required to establish causal relationship, generally, is rationalized medical 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 appellant'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, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by appellant.¹

In the present case, appellant has not presented sufficient evidence to establish that factors of his federal employment caused or contributed to his condition. While appellant stated that driving, using a screwdriver, a wrench and a hammer, writing reports and performing repetitive motions in general, as well as working double overtime shifts or working 48-hour weeks inspecting poultry or beef caused the pain or numbness in his hands, the October 27, 1997 statement of his supervisor, Mr. Martin, undermines his claim. Mr. Martin stated that the report writing of a processed foods inspector would normally not exceed 15 minutes per day and that all the reports were handwritten. He stated that the processing inspector was normally free to take a break at any time, and most of his normal duties required him to walk around and observe the company's processing operation, with little or no use of his hands. Mr. Martin stated that he was required to drive a car from 30 minutes to 60 minutes a day. Thus, the employing

¹ See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

establishment did not corroborate that appellant's job involved much repetitive motion of his hands.

Dr. Davuluri's August 11, 1997 report, in which he stated that appellant's complaints of pain and numbness in his hands "is aggravated by movements of his hands such as writing and using his hands for daily living and at work" does not provide a rationalized medical opinion explaining how appellant's federal employment caused or contributed to his condition. His opinion, therefore, is vague and general and not well-rationalized and is, therefore, not probative.² The Office advised appellant of the necessary evidence to submit to establish his claim, but appellant did not submit the requisite evidence. He, therefore, has failed to establish that he sustained an injury in the performance of duty, as alleged.

The decision of the Office of Workers' Compensation Programs dated October 31, 1997 is hereby affirmed.

Dated, Washington, D.C.
December 9, 1999

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

² See *Richard A. Weiss*, 47 ECAB 182-84 (1995); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).