

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GENETRA F. GARDNER and U.S. POSTAL SERVICE,
POST OFFICE, Columbus, OH

*Docket No. 98-2233; Submitted on the Record;
Issued December 22, 1999*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant met her burden of proof to establish that she sustained an occupational disease causally related to factors of her federal employment.

On March 17, 1998 appellant, then a 47-year-old casual mail processor, filed a notice of occupational disease alleging that she suffered a wrist sprain as a result of her federal employment. Appellant stated that she first became aware of the disease or illness and that it was caused or aggravated by her employment on March 15, 1998. In describing the relationship of her condition to her employment, appellant stated that after eight hours of working on the "DBLS" machines she went home and awoke at 3:00 a.m. with pain in her right wrist. Appellant stopped work on March 17, 1998 and returned later that day.

On March 18, 1998 Dr. John Williams treated appellant for swelling and pain in the right wrist. Dr. Williams indicated that appellant could not lift more than 10 pounds, kneel, repeatedly bend or climb. He stated that there were partial restrictions for pulling, pushing, carrying, reaching above the shoulder and operating vehicles. He stated the restrictions would last until March 25, 1998. Dr. Williams diagnosed a right wrist sprain, but failed to indicate whether the condition was caused or aggravated by an employment activity. Dr. Williams also interpreted an x-ray on March 18, 1995 as showing no significant abnormality.

In a letter dated March 20, 1998, Tom Hevrin, an employee of Ikon, stated that appellant worked at his office as a document specialist and a quality control specialist. Her responsibilities in this second job included reproducing legal documents and checking copies for accuracy. Her job did not involve lifting over 10 pounds.

In a letter received by the Office of Workers' Compensation Programs on April 2, 1999, Charlene Franton, an employee from the employing establishment, stated that appellant received treatment for a swollen right hand on March 18, 1998. She further stated that appellant had

received treatment on March 17, 1998 and been told she had a wrist sprain due to repeated lifting. She indicated that appellant was placed on limited duty until March 25, 1998.

On April 7, 1998 the Office requested additional information, including a medical report providing a history of injury, physical findings and an opinion as to the medical connection between appellant's federal employment and her condition. Appellant was given 30 days to respond.

On April 21, 1998 Dr. Carmen Strickland stated that appellant's presentation on March 23, 1998 was consistent with carpal tunnel syndrome. She stated that she was not aware of appellant's second job, but that her physical findings could have been related to her job with the employing establishment.

By decision dated May 12, 1998, the Office denied appellant's claim because the medical evidence was not sufficient to establish that her condition was caused by an employment factor.

The Board finds that appellant did not meet her burden of proof to establish that she sustained an occupational disease 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 medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.² 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,³ must be one of reasonable medical certainty,⁴ 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.⁵

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

² The Board held that, in certain cases, where the causal connection is obvious, expert testimony may not be necessary; see *Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not one of obvious causal connection.

³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁴ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁵ See *James D. Carter*, 43 ECAB 113 (1991); *George A. Ross*, 43 ECAB 346 (1991); *William E. Enright*, 31 ECAB 426, 430 (1980).

In the present case, appellant submitted the opinions of Drs. William and Strickland to support her claim for an occupational disease. Dr. Williams, however, failed to address whether appellant's condition was related to her employment in his March 18, 1998 report. Dr. Strickland only opined that based on her physical findings, appellant's condition could have been related to her job with the employing establishment. Because Dr. Strickland's report was equivocal, it has diminished probative value.⁶ Appellant, therefore, failed to provide sufficient rationalized medical opinion establishing a causal relationship between her claimed condition and factors of her employment. Consequently, she failed to meet her burden of proof.

The decision of the Office of Workers' Compensation Programs dated May 12, 1998 is affirmed.

Dated, Washington, D.C.
December 22, 1999

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

⁶ *William S. Wright*, 45 ECAB 498 (1994).