

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of STEVAN L. CERIO and U.S. POSTAL SERVICE,
REMOTE ENCODING CENTER, East Syracuse, N.Y.

*Docket No. 97-1048; Submitted on the Record;
Issued January 20, 1999*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that he developed carpal tunnel syndrome due to factors of his federal employment.

The Board has duly reviewed this case on appeal and finds that appellant failed to meet his burden of proof in establishing that he developed carpal tunnel syndrome due to factors of his federal employment.

Appellant filed a claim on August 30, 1996 alleging that he developed right wrist tendinitis due to factors of his federal employment. By decision dated December 16, 1996, the Office of Workers' Compensation Programs denied appellant's claim finding that he failed to submit sufficient medical evidence to establish a causal relationship between his diagnosed condition and factors of his 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. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.¹

¹ *Lourdes Harris*, 45 ECAB 545, 547 (1994).

In support of his claim, appellant submitted a series of notes and reports from Dr. Michael A. Frumkin, a Board-certified orthopedic surgeon. On August 30, 1996 Dr. Frumkin diagnosed tendinitis right wrist. On August 8, 1996 he diagnosed repetitive use induced tendinitis right wrist. Dr. Frumkin noted that appellant utilized the keyboard regularly at work and that he had noticed an onset of pain in the right hand over the last two weeks. He stated that this condition had progressed even while appellant was on vacation and diagnosed possible repetitive use syndrome and possible unrelated ulnar neuropathy.

The Office requested a detailed report from Dr. Frumkin on October 11, 1996 and in response he reported on October 22, 1996 that appellant developed right hand pain and paresthesias on July 11, 1996, that appellant worked regularly on a keyboard and he diagnosed carpal tunnel syndrome.

In a note dated November 18, 1996, Dr. Frumkin diagnosed possible carpal tunnel syndrome, possible repetitive use syndrome superimposed on hyperlipidemia.

The Board finds that Dr. Frumkin's reports are not sufficient to meet appellant's burden of proof as he failed to provide a clear diagnosis. Dr. Frumkin diagnosed possible tendinitis, possible carpal tunnel syndrome, possible repetitive use syndrome, as well as possible ulnar neuropathy and hyperlipidemia on various occasions. He also failed to provide an opinion as to whether appellant's employment duties caused or contributed to his right wrist condition.

As appellant has failed to provide the necessary rationalized medical opinion evidence, he has failed to meet his burden of proof and the Office properly denied his claim.

The decision of the Office of Workers' Compensation Programs dated December 16, 1996 is hereby affirmed.

Dated, Washington, D.C.
January 20, 1999

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member