

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SHELIA M. MORAN and DEPARTMENT OF VETERANS AFFAIRS,
MUSKOGEE REGIONAL OFFICE, Muskogee, Okla.

*Docket No. 97-2767; Submitted on the Record;
Issued June 17, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant has met her burden of proof in establishing that she sustained carpal tunnel syndrome of both hands in the performance of duty as alleged.

The Board has duly reviewed the case record in the present appeal and finds that appellant failed to meet her burden of proof in establishing that she sustained carpal tunnel syndrome of both hands in the performance of duty, as alleged.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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 filed within the applicable time limitations 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 is causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.³

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

¹ 5 U.S.C. § 8101.

² *Joe Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

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 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, 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 the claimant.⁴

In this case, appellant filed an occupational disease claim on April 3, 1997, alleging that while performing her duties as a veterans claims examiner, (*i.e.*, Typing at a computer, using a mouse with her computer, turning paper over and thumbing through pages) she developed carpal tunnel beginning June 7, 1995 and continuing. The Office denied appellant's claim on June 17, 1997, finding that the evidence of record failed to establish that a condition was diagnosed as causally related to specific employment factors.

The medical evidence in support of appellant's claim consists of a single medical report dated April 13, 1997, by Dr. C. William Lutton interpreting a nerve conduction study.

In his report of electrophysiologic studies addressed to Dr. Joslin, Dr. Lutton reported the results of the study and noted that the electrodiagnostic study was abnormal and characterized by median nerve entrapment at the wrist bilaterally. Regarding clinical correlation, Dr. Lutton reported that "surgical intervention should be considered fairly early. The left hand is less involved, although there is unequivocal median nerve entrapment at the wrist."

The above electromyogram interpretation was addressed to Dr. Joslin and recommended "surgical intervention."

However, appellant did not submit a medical narrative report by Dr. Joslin. Thus, the record does not contain a medical report from appellant's treating physician revealing what symptoms she manifested such as pain, Phalen and Tinel signs; whether the condition was bilateral; whether authorization for approval of surgery on one or both hands was requested from the Office; whether any surgery had been performed; and finally, whether the condition found by Dr. Lutton was causally related to the employment activity reported by appellant.

Although the record contains some medical evidence to support a bilateral employment-related hand condition, appellant has submitted insufficient evidence to establish that she sustained a bilateral carpal tunnel hand condition causally related to her employment duties.

⁴ *Id.*

The decision of the Office of Workers' Compensation Programs dated June 17, 1997 is affirmed.⁵

Dated, Washington, D.C.
June 17, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

⁵ The Board notes that appellant submitted evidence with her appeal. This evidence represents new evidence which cannot be considered by the Board. The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Appellant may submit this evidence and any other new evidence to the Office, together with a formal request for reconsideration pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.138(b).