

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RAYMOND M. GARZA and DEPARTMENT OF THE ARMY,
CORPUS CHRISTI ARMY DEPOT, Corpus Christi, Tex.

*Docket No. 97-1561; Submitted on the Record;
Issued March 8, 1999*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof to establish that he sustained carpal tunnel syndrome causally related to factors of his federal employment.

On November 3, 1995 appellant, then a 52-year-old aircraft mechanical parts repairer leader, filed a notice of occupational disease and claim for compensation (Form CA-2) claiming that his injury was caused by his 28-year employment as an aircraft mechanic.

On December 5, 1995 the Office of Workers' Compensation Programs requested additional information from appellant including a description of all activities that involved repetitive hand movement, all previous injuries to the hand, wrist or arm and a comprehensive medical report describing symptoms, test results, treatment provided, diagnosis and the physician's opinion, with medical reasons, for his condition. Specifically, appellant was asked to provide a physician's opinion explaining how his condition was caused by his work employment.

In a letter dated December 29, 1995 and received by the Office on January 4, 1996, appellant responded to the Office's questions and submitted a release to duty form, an attending physician's report (CA-20) dated December 1, 1995 signed by Dr. David N. Parker, an unsigned September 1, 1992 report by Dr. Parker which diagnosed "possible right carpal tunnel syndrome," clinical notes dated April 18 through November 27, 1995, a release to duty report dated October 30, 1995 and an October 31, 1995 surgical report for right finger trigger release by Dr. Parker. In the report, Dr. Parker diagnosed trigger finger and referred to his attached medical notes. In his medical notes dated April 18 through November 27, 1995, Dr. Parker diagnosed right finger trigger finger and the treatment he performed.

By decision dated January 5, 1996, the Office denied appellant's claim on the grounds that fact of injury was not established. In an accompanying memorandum, the Office found that

appellant failed to submit medical evidence to establish that her claimed medical condition was causally related to factors of his federal employment.

On April 30, 1996 appellant requested reconsideration of the January 5, 1996 decision and referred to the evidence he had submitted with his December 29, 1995 letter.

In support of the application, appellant noted that in a letter dated December 29, 1995 he had submitted an attending physician's report (CA-20) dated December 1, 1995 by Dr. Parker. In the report, he diagnosed trigger finger and referred to his attached medical notes.

By decision dated May 15, 1996, the Office found that the evidence submitted in support of the application for reconsideration was not sufficient to warrant modification of its prior decision. In an accompanying memorandum, the Office stated that appellant failed to submit medical evidence that his medical condition was work related as Dr. Parker did not relate appellant's condition to factors of his employment.¹

The Board finds that appellant has not met his burden of proof of establishing that he sustained carpal tunnel syndrome due to factors of his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act² 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.³ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To establish appellant's occupational disease claim that he has sustained a disabling condition in the performance of duty, appellant must submit the following: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to his condition; (2) rationalized medical opinion evidence establishing that he sustained a medical condition; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to the condition.⁵ Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and

¹ Subsequent to the Office's May 15, 1996 decision, appellant submitted additional evidence. The Board cannot consider new evidence on appeal, however, appellant can submit new evidence to the Office and request reconsideration, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.138(b); *see* 20 C.F.R. § 501.2(c).

² 5 U.S.C. §§ 8101-8193.

³ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1983).

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁵ *See Purvis Nettles*, 44 ECAB 623, 627 (1993).

the implicated employment factors. Such an opinion of the physician must be based on a complete factual and medical background of the claimant,⁶ must be one of reasonable medical certainty⁷ 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.⁸

In the instant case, appellant has not established that he sustained an injury in the performance of duty as alleged. While appellant has attributed carpal tunnel syndrome to employment factors, the medical evidence submitted does not establish that diagnosis. Appellant has not submitted rationalized medical evidence which indicates that he has a medical condition causally related to his federal employment. While the record indicates surgery by Dr. Parker for a right finger trigger release, the medical reports of the physician have not related his treatment to appellant's employment activities.

Appellant submitted medical reports from Dr. Parker which diagnosed right finger trigger finger. These reports are insufficient to establish appellant's claim as Dr. Parker has not provided a rationalized medical opinion, based on an accurate factual background, explaining why and how appellant's employment conditions caused or aggravated any physical condition or resulted in disability. As noted above, appellant must submit medical evidence supporting that his employment caused or aggravated his claimed medical condition. Therefore, Dr. Parker's reports are insufficient to establish appellant's claim.

The Board, therefore, finds that appellant failed to establish that his condition is related to factors of his employment.

⁶ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁷ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁸ *Id.*

The decision of the Office of Workers' Compensation Programs dated May 15, 1996 is affirmed.

Dated, Washington, D.C.
March 8, 1999

David S. Gerson
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member