

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of STANLEY P. LEWANDOWSKI and DEPARTMENT OF VETERANS
AFFAIRS, CALVERTON NATIONAL CEMETARY, Calverton, NY

*Docket No. 98-964; Submitted on the Record;
Issued October 27, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant has established that he sustained carpal tunnel syndrome or other injuries causally related to use of hand tools in his federal employment.

On July 1, 1996 appellant filed an occupational disease claim (Form CA-2) alleging that he sustained bilateral carpal tunnel syndrome as a result of his federal employment. In a narrative statement dated August 28, 1996, appellant alleged that the repetitive use of impact tools, air-powered wrenches and hand wrenches in the performance of duty contributed to his condition.

By decision dated October 15, 1996, the Office of Workers' Compensation Programs denied the claim on the grounds that the medical evidence was insufficient to establish an injury causally related to the identified employment factors. Following a request for reconsideration, the Office denied modification of the claim in a decision dated October 31, 1997.

The Board has reviewed the record and finds that appellant has not established an injury causally related to 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.¹ The evidence required to establish causal relationship is rationalized medical opinion evidence,

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

based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and his federal employment.² Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by his federal employment, is sufficient to establish causal relation.³

In the present case, appellant has identified the repetitive use of tools in his federal employment as contributing to carpal tunnel syndrome, but the medical evidence of record fails to contain a reasoned medical opinion on causal relationship. In a report dated July 10, 1996, Dr. David Besser, a neurologist, reported that an electromyogram (EMG) showed evidence of mild bilateral carpal tunnel syndrome, as well as mild right cervical radiculopathy. Dr. Besser also indicated that a magnetic resonance imaging (MRI) scan revealed bulging disc at C6-7, with a possible small herniated disc at C7-T1. He did not, however, provide any opinion on causal relationship with the identified employment factors. In a form report (CA-20) dated July 10, 1996, Dr. Besser diagnosed carpal tunnel syndrome and cervical radiculopathy and checked a box “yes” that the condition found was caused or aggravated by employment. The checking of a box “yes” in a form report, without additional explanation or rationale, is not sufficient to establish causal relationship.⁴

In a report dated July 25, 1996, Dr. Ronald S. Bennett, a rheumatologist, stated that appellant had a history of carpal tunnel syndrome associated with a positive rheumatoid factor. Dr. Bennett concluded that appellant had what appeared to be rheumatoid arthritis associated with carpal tunnel syndrome in the setting of chronic hepatitis C and a history of rheumatic fever. He did not provide an opinion on causal relationship with the identified employment factors.

Accordingly, the Board finds that the medical evidence does not contain a reasoned medical opinion, based on a complete background, on causal relationship between carpal tunnel syndrome or other conditions and the identified employment factors. It is appellant’s burden to submit such evidence and he has failed to meet his burden in this case.

² See *Walter D. Morehead*, 31 ECAB 188 (1979).

³ *Manuel Garcia*, 37 ECAB 767 (1986).

⁴ See *Barbara J. Williams*, 40 ECAB 649, 656 (1989).

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

Dated, Washington, D.C.
October 27, 1999

Michael J. Walsh
Chairman

David S. Gerson
Member

Bradley T. Knott
Alternate Member