

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ELIDA ORTIZ and U.S. POSTAL SERVICE,  
POST OFFICE, Albuquerque, NM

*Docket No. 98-733; Submitted on the Record;  
Issued September 15, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant has established that her medical condition is causally related to factors of her federal employment.

On June 11, 1997 appellant, then a 50-year-old postal clerk, filed a claim for compensation alleging that her left hand carpal tunnel syndrome, bilateral medial and lateral epicondylitis, shoulder pain and repetitive trauma syndrome were causally related to her position as a postal carrier. Appellant stated that she performed repetitive work, "casing mail 8 hours per day, 40 hours per week," and that this work, along with "associated tasks" caused her medical conditions.<sup>1</sup>

In a decision dated October 2, 1997, the Office of Workers' Compensation Programs denied the claim on the grounds that the medical evidence was not sufficient to establish the claim.

The Board finds that appellant has not established a medical condition 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

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<sup>1</sup> The record contains an April 4, 1997 Office decision denying appellant's claim for recurrence of disability of right carpal tunnel syndrome and consequent left arm condition.

diagnosed condition is causally related to the employment factors identified by the claimant.<sup>2</sup> The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.<sup>3</sup> 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 her federal employment, is sufficient to establish causal relation.<sup>4</sup>

In the present case, appellant submitted a medical report dated May 23, 1997 and received by the Office on August 8, 1997 from Dr. Thomas G. Cohn, appellant's treating physician and Board-certified in physical medicine and rehabilitation. He stated that, upon examination, appellant had bilateral carpal tunnel syndrome, with significant findings on the left wrist. Dr. Cohn further noted that appellant was not "having significant complaints with the left wrist." He doctor noted that appellant should not "do any repetitive activities to any significant degree with the left wrist beyond what she is doing currently." Dr. Cohn added that appellant had repetitive tenosynovitis syndrome at the elbow and shoulder region bilaterally.<sup>5</sup>

The medical evidence does not contain a reasoned opinion as to causal relationship between a diagnosed condition and the identified factors of employment. Although Dr. Cohn stated that he did believe appellant's carpal tunnel syndrome "probably has occurred with relationship to her work and work environment," and that since appellant "does not do other repetitive activity which would cause this," he would assume that appellant's "work injury has caused the (medical condition) within reasonable medical probability." The Board finds that this is not a sufficiently detailed or reasoned opinion to establish a condition causally related to federal employment. Dr. Cohn did not clearly explain how appellant's alleged eight hours a day of sorting mail caused a specific diagnosed condition such as bilateral carpal tunnel syndrome or repetitive tenosynovitis syndrome.<sup>6</sup> There is no medical evidence of record containing a reasoned opinion, based on a complete and accurate factual and medical background, that appellant sustained a specific injury causally related to the identified employment factors. For example, Dr. Cohn stated that he "would monitor the left wrist and make sure (appellant) does not do repetitive activities to any significant degree with the left wrist beyond what she is currently doing." However, the employing establishment stated in an August 1, 1997 report that

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<sup>2</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>3</sup> *See Walter D. Morehead*, 31 ECAB 188 (1979).

<sup>4</sup> *Manuel Garcia*, 37 ECAB 767 (1986).

<sup>5</sup> The Board notes that the date on the first page of Dr. Cohn's report is May 23, 1997, however, the subsequent six pages are dated April 30, 1997. Page seven notes that the report was transcribed on May 29, 1997.

<sup>6</sup> The Office's procedures state that the clinical findings of carpal tunnel syndrome include positive Phalen's and Tinel's sign, neurological abnormalities, decreased nerve conduction velocity and decreased muscle motor activity measured by electromyography (EMG). Federal (FECA) Procedure Manual, Part 3 -- Medical, *Requirements for Medical Reports*, Chapter 3.600.8 (September 1994). In his report, Dr. Cohn referred only to a positive Phalen's test and Tinel's sign.

appellant had intermittent and routine casing responsibilities that constitutes but a part of appellant's overall job requirements and thus was not a repetitive function.

The Board accordingly finds that the medical evidence of record is not sufficient to meet her burden of proof in establishing an occupational injury in this case.

The October 2, 1997 decision of the Office of Workers' Compensation Programs is affirmed.<sup>7</sup>

Dated, Washington, D.C.  
September 15, 1999

George E. Rivers  
Member

Willie T.C. Thomas  
Alternate Member

Bradley T. Knott  
Alternate Member

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<sup>7</sup> The Board notes that subsequent to the Office's October 2, 1997 decision, appellant submitted additional evidence. The Board has no jurisdiction to review this evidence for the first time on appeal. 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35 (1952).