

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LIBERATO V. DIZON and DEPARTMENT OF DEFENSE,
NAVAL WEAPONS STATION, Goose Creek, SC

*Docket No. 98-807; Submitted on the Record;
Issued March 21, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained carpal tunnel syndrome which was causally related to factors of his federal employment.

On May 14, 1997 appellant, then a 62-year-old security/police, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that his carpal tunnel syndrome was causally related to factors of his federal employment, specifically the repetitive use of his right hand. He retired effective June 3, 1997. By decision dated September 9, 1997, the Office of Workers' Compensation Programs denied his claim on the grounds that his claimed condition was not causally related to factors of his federal employment.

The Board has duly reviewed the entire case record on appeal and finds that appellant has not established that he sustained carpal tunnel syndrome which was causally related to factors of his federal employment.

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 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.²

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 the 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

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

diagnosed condition is causally related to the employment factors identified by the claimant.³ The medical evidence required to establish a 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,⁴ must be one of reasonable medical certainty⁵ 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.⁶

In the instant case, the Office denied appellant's claim for compensation on the grounds that the medical evidence did not establish that his carpal tunnel syndrome was causally related to factors of his federal employment. Appellant submitted medical evidence including an August 23, 1996 medical report by Dr. Gerald J. Shealy regarding an injury to his left small finger,⁷ progress notes dated May 25, 1995 to December 19, 1996 from Dr. John M.J. Ernst diagnosing severe carpal tunnel syndrome and indicating appellant was doing well and that he had reached maximum medical improvement as of December 19, 1996,⁸ an impairment rating of 25 percent was given by Dr. Ernst as to appellant's left small finger and a May 18, 1995 report by him diagnosing advanced carpal tunnel syndrome without any opinion as to the cause of the disability.

By letter dated June 24, 1997, appellant was advised by the Office of the need to submit additional medical evidence, including a rationalized medical report which related his claimed disorders to his specific work duties as well as a job description.

Appellant subsequently submitted evidence including an August 23, 1996 medical report by Dr. Shealy regarding an injury to his left small finger, an impairment rating with progress notes dated October 17 and December 19, 1996 by Dr. Shealy, a June 17, 1995 surgical report by Dr. Ernst, an attending physician's form (Form CA-20) dated May 23, 1997 from Dr. Ernst, medical reports dated May 18, 1995 and May 23, 1997 from Dr. Ernst, medical note updates during the period May 25 to November 6, 1995 from Dr. Ernst and a May 25, 1995 electromyography report by Dr. John W. Plyler.⁹ None of the subsequent reports by Dr. Ernst nor the electromyography report by Dr. Plyler related appellant's condition to factors of his federal employment.

³ *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384-85 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ A Board-certified orthopedic and hand surgeon.

⁸ A Board-certified orthopedic and hand surgeon.

⁹ A Board-certified neurologist.

An award of compensation may not be based on surmise, conjecture or speculation, or appellant's belief of causal relationship. The mere fact that a disease or condition manifests itself or worsens during a period of employment¹⁰ or that work activities produce symptoms revelatory of an underlying condition¹¹ does not raise an inference of causal relationship between the condition and the employment factors. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship. Causal relationship must be established by rationalized medical opinion evidence.¹² As appellant has not submitted rationalized medical evidence explaining how and why the diagnosed condition was caused or aggravated by appellant's federal employment, the Office properly denied appellant's claim for compensation.

The decision of the Office of Workers' Compensation Programs dated September 9, 1997 is hereby affirmed.

Dated, Washington, D.C.
March 21, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

¹⁰ *William Nimitz, Jr.*, *supra* note 4.

¹¹ *Richard B. Cissel*, 32 ECAB 1910, 1917 (1981).

¹² *Victor J. Woodhams*, *supra* note 3.