

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELISE WILLIAMSON and U.S. POSTAL SERVICE,
POST OFFICE, Chicago, IL

*Docket No. 98-1693; Submitted on the Record;
Issued March 29, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established that her osteoarthritis at the base of her thumbs is causally related to factors of her employment.

On July 1, 1995 appellant, filed a claim for osteoarthritis at the base of her thumbs, which she attributed to repetitive work in her employment. By decision dated January 13, 1996, the Office of Workers' Compensation Programs found that fact of injury was not established. By decisions dated August 22, 1996 and April 21, 1997, the Office found that additional evidence submitted with appellant's requests for reconsideration were not sufficient to warrant modification of its January 13, 1996 decision. By decision dated July 29, 1997, the Office found that appellant's request for reconsideration was not sufficient to warrant review of its prior decisions.

By letter dated March 23, 1998, appellant requested reconsideration and submitted a new medical report. By decision dated April 20, 1998, the Office found that the new medical report was not sufficient to establish that the osteoarthritis of her thumbs was caused by her employment.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused or adversely affected by her employment. As part of this burden she must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.¹

¹ *Froilan Negron Marrero*, 33 ECAB 796 (1982).

The Board finds that appellant has not established that her osteoarthritis at the base of her thumbs is causally related to factors of her employment.

In a report dated August 8, 1994, Dr. Walter J. Marbach, a Board-certified rheumatologist, indicated that the pain in appellant's hands and thumbs was aggravated by recurrent tasks. In this report, which was on a form of the Office, Dr. Marbach diagnosed osteoarthritis at the base of both thumbs, but did not check one of the boxes to indicate her condition was or was not due to her employment. In a report dated August 25, 1994, Dr. Scott Gordon, an orthopedic surgeon, diagnosed "tendinitis and arthritis of both her base of thumbs CMC [carpal-metacarpal] joint which is exacerbated by her work." In a report dated September 7, 1995, Dr. Marbach stated that osteoarthritis at the base of both thumbs, tendinitis of the flexor region of the palm and wrist and fibromyalgia made handling of objects, especially repetitive tasks, difficult for appellant. In a report dated June 23, 1997, he diagnosed osteoarthritis and indicated this condition was related to "repetitive physical activity." In a report dated March 20, 1998, Dr. Marbach stated:

"My patient was performing tasks at work that required repetitive motions of the hands. I believe these tasks are the cause of her injuries. Tasks such as: placing letters/or mail in the pigeon holes, photocopying a great deal; answering the telephones more than usual without a headset. Any tasks that are performed over and over again for more than five (5) minutes is considered 'repetitive.' I further believe that [appellant] was injured on the job due to her duties. And that her 'tendinitis' developed into 'osteoarthritis.'"

These reports are not sufficient to meet appellant's burden of proof. Dr. Gordon did not provide any description of the duties appellant performed that allegedly exacerbated the arthritis at the base of her thumbs and did not provide any rationale for his opinion. Dr. Marbach attributed appellant's osteoarthritis at the base of her thumbs to repetitive physical activity in his June 23, 1997 report, but did not describe that activity. In his March 20, 1998 report, Dr. Marbach attributed appellant's osteoarthritis at the base of her thumbs to "tasks at work that required repetitive motions of the hands." In particular, he cited placing mail in pigeon holes, photocopying a great deal and answering the telephones more than usual without a headset. This report is insufficient to meet appellant's burden of proof because Dr. Marbach provided no rationale for his opinion and because his description of appellant's job duties was inaccurate or incomplete. The evidence shows that appellant performed only limited duty after her return to work on July 23, 1993, and that her duties consisted of answering the telephones, completing leave slips for employees who called for leave, arranging for badge passes for employees that did not bring them to work, making page announcements, placing mail in supervisors' mail boxes, making photocopies, handing out supplies, picking up interoffice mail and passing out checks to about 20 employees every 2 weeks. Appellant considered this work repetitive; the employing establishment did not, stating that it was shared by four clerks. For this reason, it was particularly important that a physician describe in detail the frequency and extent of the duties appellant performed that allegedly contributed to the osteoarthritis at the base of her thumbs. Without such a detailed description, the medical evidence is insufficient to meet appellant's burden of proof.

The decision of the Office of Workers' Compensation Programs dated April 20, 1998 is affirmed.

Dated, Washington, D.C.
March 29, 2000

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member