

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DENNIS RUDISILL and DEPARTMENT OF THE ARMY,
PINE BLUFF ARSENAL, Pine Bluff, AR

*Docket No. 99-1045; Submitted on the Record;
Issued May 25, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
MICHAEL E. GROOM

The issue is whether appellant has met his burden of proof in establishing that he sustained carpal tunnel syndrome of the left hand in the performance of duty as alleged.

The Board has duly reviewed the case record in the present appeal and finds that appellant failed to meet his burden of proof in establishing that he sustained an injury in the performance of duty, as alleged.

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 the individual is an "employee of the United States" within the meaning of the Act, that the claim was filed within the applicable time limitations 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.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.³

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

¹ 5 U.S.C. § 8101.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

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.

The medical evidence required to establish 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, must be one of reasonable medical certainty, 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.⁴

In this case, appellant filed an occupational disease claim on August 12, 1998 alleging that while performing his duties as a transportation assistant (*i.e.*, Typing at a computer) he developed carpal tunnel beginning January 1998 and continuing. The Office of Workers' Compensation Programs denied appellant's claim on November 30, 1998 finding that the evidence of record failed to establish that a condition was diagnosed as causally related to factors of his employment.

The medical evidence in support of appellant's claim consists of an August 12, 1998 report by Dr. Gary W. Aspera, with the Reynolds Army Community Hospital, who stated that appellant was "[Diagnosed] with left [carpal tunnel syndrome] by Veterans Administration (VA) hospital on May 11, 1998. Is presently under the care of the VA hospital for this problem. States was given a steroid injection which help(s) pain." "Does computer/keyboarding type of work"; an employing establishment May 14, 1998 progress note noting that appellant has mild/borderline carpal tunnel syndrome of the left wrist for which he received an injection by Dr. Ross in March 1998; a March 10, 1998 report of a nerve conduction study by Dr. Sarkis Nazarian, a Board-certified neurologist, who interpreted a nerve conduction screen of both upper extremities as revealing borderline left carpal tunnel syndrome; a January 22, 1998 progress note noting that appellant was seen for knee problems and carpal tunnel syndrome; and a January 18, 1998 report of emergency care and treatment by a doctor whose signature is illegible, which notes a history of arthritis, complaints of left wrist, elbow and shoulder pain.

Dr. Aspera, in the August 12, 1998 report, failed to provide a history of injury, or address a causal relationship between the diagnosed condition and factors of employment identified by appellant as having caused his condition. Dr. Aspera's report is insufficient to establish appellant's occupational disease claim. The May 11, 1998 employing establishment health record also failed to provide a history of injury for to address a causal relationship between appellant's diagnosed condition and the factors of employment to which he attributed the condition. Therefore, the May 11, 1998 health record is also insufficient to establish appellant's occupational disease claim.

Also submitted was a March 10, 1998 nerve conduction study report by Dr. Nazarian, a Board-certified neurologist, who diagnosed borderline left carpal tunnel syndrome based on the

⁴ *Id.*

nerve conduction study. However, he failed to address a causal relationship between the diagnosed condition and the identified factors of employment to which appellant attributed the condition. The March 10, 1998 report is insufficient to establish appellant's claim. In a January 22, 1998 progress note, it was noted that appellant was seen for knee problems and carpal tunnel syndrome. No history of injury was given, and the issue of causal relationship between a diagnosed condition and the factor of employment identified by appellant was not addressed. The January 22, 1998 report is insufficient to establish appellant's claim. In a January 18, 1998 emergency care medical record, by a doctor whose name is illegible, he notes a history of arthritis and complaints of left wrist, left elbow and left shoulder pain with a diagnosis of arthritis. The March 10, 1998 report does not address a causal relationship between the diagnosed condition and the factors of employment to which appellant attributed his condition. The report is insufficient to establish appellant's occupational disease claim.

In summary, none of the medical evidence submitted provided a medical report supported by rationale causally relating a diagnosed condition and the factors of employment identified by appellant as the cause of his condition.⁵ The Office, by letter dated September 14, 1998, advised appellant of the specific evidence needed to establish his occupational disease claim, but such evidence was not submitted. The Board finds that the evidence of record is insufficient to meet appellant's burden of proof.

The decision of the Office of Workers' Compensation Programs dated November 30, 1998 is affirmed

Dated, Washington, D.C.
May 25, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

Michael E. Groom
Alternate Member

⁵ Except for the January 18, 1998 report, none of the evidence mentions appellant's preexisting arthritis condition of the left hand.