

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WENDY M. BRADLEY and SOCIAL SECURITY ADMINISTRATION,
CENTER FOR HUMAN RESOURCES, Philadelphia, PA

*Docket No. 99-1124; Submitted on the Record;
Issued May 26, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has established that she developed carpal tunnel syndrome in the performance of duty, causally related to factors of her federal employment.

On April 27, 1998 appellant, then a 31-year-old social insurance representative, filed a claim alleging that on April 6, 1998 she became aware that she had developed right carpal tunnel syndrome, causally related to writing, and to using a computer mouse and a keyboard. Appellant claimed that her right hand became numb and throbbled whenever she did anything other than holding it straight, and that painful throbbing awakened her at night.

By letter dated June 9, 1998, the Office of Workers' Compensation Programs advised appellant that further information was needed, including a listing of the job duties that she felt caused or aggravated her condition and a comprehensive medical report providing a diagnosis and discussing causal relation. The Office also sought comments from the employing establishment.

Nothing further was received by the Office.

By decision dated August 14, 1998, the Office rejected appellant's claim finding that the evidence of record was insufficient to support that an injury occurred as alleged. The Office noted the absence in the record of any medical evidence containing a diagnosis or opinion on causal relation.

By letter dated September 21, 1998, appellant requested reconsideration and listed the employment duties that she felt caused her condition. The primary employment activities appellant identified as causing her condition were typing on the computer and using a mouse. She also implicated correcting printer problems, handwriting envelopes, filing, stapling, photocopying, telephone answering and using a mail meter. Appellant described her right hand

complaints of pain and numbness, and noted that she rarely used a computer at home. A letter from her supervisor was included, which concurred with appellant's description of her duties.

By letter dated October 9, 1998, Dr. Charles F. Diederich, an internist, noted as follows:

“[Appellant] reported to my office on May 1, 1998 complaining of right wrist numbness. A Phalen's test was performed and [appellant] had a positive Tinel's sign. At which point, I diagnosed her with carpal tunnel syndrome.”

By decision dated January 13, 1999, the Office modified the prior decision to reflect that appellant had established that her employment-related duties occurred as she had alleged and that she had been diagnosed with carpal tunnel syndrome, but it denied her claim on the basis that no causal relationship with the identified factors of her employment had been established.

The Board finds that appellant has failed to establish that she developed carpal tunnel syndrome in the performance of duty, causally related to factors of her federal employment.

In cases of occupational disease or illness, as in this case of claimed carpal tunnel syndrome, an employee must establish fact of injury by submitting: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition alleged; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; 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,¹ or, stated differently, that the implicated conditions or factors of employment caused an “injury” as defined in the Federal Employees' Compensation Act² and its regulations.³ An award of compensation may not be based on surmise, conjecture, speculation, or appellant's belief of causal relationship.⁴ A person who claims benefits under the Act has the burden of establishing the essential elements of his or her claim.⁵ Appellant must establish that she sustained an injury in the performance of duty and that her disability resulted from such injury.⁶ As part of this burden, appellant must present

¹ *George A. Ross*, 43 ECAB 346 (1991); *James D. Carter*, 43 ECAB 113 (1991).

² 5 U.S.C. §§ 8101-8193 (1974).

³ *Cf. Frederick H. Coward, Jr.*, 41 ECAB 843 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989) (the employee must submit, among other things, medical evidence establishing that the employment factors identified by the employee proximately caused the condition for which compensation is claimed). 5 U.S.C. § 8101(1)(5) defines “injury” in relevant part as follows: “‘injury’ includes, in addition to injury by accident, a disease proximately caused by employment...” 20 C.F.R. § 10.5(a)(16) defines “occupational disease or illness” as follows: “[A] condition produced in the work environment over a period longer than a single workday or shift by such factors as systemic infection; continued or repeated stress or strain; or exposure to hazardous elements such as, but not limited to, toxins, poisons, fumes, noise, particulates, or radiation, or other continued or repeated conditions or factors of the work environment.”

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979); *Miriam L. Jackson Gholikely*, 5 ECAB 537, 538-39 (1953).

⁵ *Nathaniel Milton*, 37 ECAB 712, 722 (1986); *Paul D. Weiss*, 36 ECAB 720, 721 (1985).

⁶ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relationship.⁷ Rationalized medical opinion evidence is medical evidence that 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. Such an 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 appellant.⁸ The mere manifestation of a condition during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁹ Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the employment caused or aggravated his or her condition is sufficient to establish causal relationship.¹⁰

In the present case, although Dr. Diederich stated that on May 1, 1998 appellant complained of right wrist numbness, that a Phalen's test was performed and that she had a positive Tinel's sign, he did not identify or discuss causation, nor did he relate her clinical presentation to any particular factors of her federal employment. Dr. Diederich merely gave an unrationalized diagnosis of carpal tunnel syndrome. The weight of his medical opinion, therefore, is of significantly reduced probative value.

The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.¹¹ Given these factors, and considering the absence of analysis and rationale in Dr. Diederich's report, the Board finds that the Office properly determined that Dr. Diederich's report failed to establish that appellant developed right carpal tunnel syndrome in the performance of duty, causally related to factors of her federal employment.

⁷ *Mary J. Briggs*, 37 ECAB 578, 581 (1986); *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

⁸ *Id.*

⁹ *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

¹⁰ *Bruce E. Martin*, 35 ECAB 1090, 1093 (1984); *Dorothy P. Goad*, 5 ECAB 192, 193 (1952).

¹¹ *James Mack*, 43 ECAB 321 (1991); *John A. Ceresoli, Sr.*, 40 ECAB 305 (1988); *Naomi A. Lilly*, 10 ECAB 560 (1959).

Accordingly, the decisions of the Office of Workers' Compensation Programs dated January 13, 1999 and August 14, 1998 are hereby affirmed.

Dated, Washington, D.C.
May 26, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member