

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of MARCIE J. HILTUNEN and DEPARTMENT OF THE ARMY,  
DEPARTMENT OF MILITARY SCIENCE, UNIVERSITY OF OREGON,  
Eugene, OR

*Docket No. 00-41; Submitted on the Record;  
Issued November 14, 2000*

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DECISION and ORDER

Before MICHAEL E. GROOM, PRISCILLA ANNE SCHWAB,  
VALERIE D. EVANS-HARRELL

The issue is whether appellant has established that her diagnosed right lateral epicondylitis and right carpal tunnel syndrome are causally related to factors of her employment.

On June 13, 1997 appellant, then a 48-year-old military personnel technician, filed an occupational disease claim for right elbow tendinitis and carpal tunnel syndrome, which she asserted was aggravated and worsened by repetitive work in her employment. By decision dated November 13, 1997, the Office of Workers' Compensation Programs found that fact of injury was not established, as the medical evidence of record failed to establish a causal relationship between appellant's diagnosed conditions and her employment. By decision dated May 12, 1999, the Office found that additional evidence and arguments submitted with appellant's request for reconsideration were not sufficient to warrant modification of its November 13, 1997 decision.

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.<sup>1</sup>

The Board finds that appellant has not established that her diagnosed right epicondylitis or carpal tunnel syndrome is causally related to factors of her employment.

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<sup>1</sup> *Froilan Negron Marrero*, 33 ECAB 796 (1982).

In reports dated April 24 to May 23, 1997, Dr. Glenn A. Wielenga, a Board-certified family practitioner and appellant's treating physician, diagnosed right lateral epicondylitis and right carpal tunnel syndrome and stated that these conditions were due to repetitive strain from appellant's full-time employment performing day-long data entry. In reports dated August 7 to November 21, 1997, Dr. Carl E. Otten, a treating physician Board-certified in occupational medicine, concurred in these diagnoses and recommended that appellant's work station be ergonomically evaluated, but did not otherwise offer any opinion as to the cause of appellant's hand and arm conditions.

By letter dated October 14, 1997, an Office claims examiner asked Dr. Wielenga to address the issue of causal relationship. The Office noted that the evidence in the record supported a finding that appellant's work duties included intermittent typing on the computer for 30 to 90 minutes per day, sometimes more at the start of semesters, opening and closing file cabinet drawers and removing files 10 to 20 times a day and answering telephone calls throughout the day. The Office asked Dr. Wielenga to provide a well-reasoned opinion as to the causal relationship, if any, between these work duties and the diagnosed conditions and to submit the results of testing supporting any employment relationship. As Dr. Wielenga had left appellant's medical group, appellant submitted a report from Dr. Kathleen M. Fitzgerald, a Board-certified neurologist and treating physician, who addressed the Office's questions.

In her report dated May 20, 1998, Dr. Fitzgerald stated that appellant's symptoms and signs were consistent with carpal tunnel syndrome, particularly on the right, as well as more diffuse musculoskeletal aching. Dr. Fitzgerald noted that appellant disputed the Office's characterization of her work duties and stated that she performed data entry about eight hours a day.

With respect to the cause of appellant's diagnosed hand and arm conditions, Dr. Fitzgerald stated:

"The degree to which this is a work-related overuse type syndrome depends quite a bit on the actual work activities and their pacing. That question cannot be answered by the medical examination or the studies that have been performed. The activity history is very critical to the question of job aggravation of the diagnosed condition. The job as described by [the Office] would not really suggest a causal relationship between the job duties [and] any aggravation of the diagnosed condition."

Dr. Fitzgerald added that appellant's history of spending 75 percent of her time on the computer with significant amounts of overtime that have in the past required medical treatment should be documented in the notes of the various physicians whom she has seen over the past three years.

These reports are not sufficient to meet appellant's burden of proof. Dr. Otten did not give any opinion on the issue of causal relationship and Dr. Fitzgerald declined to give a definitive opinion on the cause of appellant's diagnosed conditions, stating that more specific information about appellant's actual work duties was needed. Dr. Wielenga's various reports attribute appellant's hand and arm conditions to repetitive physical activity, but beyond stating that appellant performed data entry on a computer, Dr. Wielenga did not describe the activities

he felt caused or contributed to appellant's condition. Further, Dr. Wielenga provided no rationale for his opinion and because his description of appellant's job duties was inaccurate or incomplete.<sup>2</sup>

Appellant asserted that since 1990 she has spent two hours a day opening e-mail and downloading programs, two hours a day updating files and three hours a day doing additional word processing, but the evidence of record does not support this contention. In a letter dated June 23, 1997, Robert H. Rhen of the employing establishment, delineated the specific amounts of time appellant used her computer: approximately 45 minutes a day sending and receiving e-mail, 2 hours per term updating data such as name changes, grade point averages and addresses, 4 hours at the start of each term entering new cadets into the system, 10 minutes once a year entering basic camp data for the 2 cadets enrolled in that program and a bit longer entering each of the 10 advance camp cadets' data, 30 minutes a term paying tuition for cadets on scholarship, 45 minutes in the fall entering scholarship information for each of the 10 new cadets, 1 hour per student performing background checks on each of 17 students, and 20 to 30 minutes writing orders for each of the 10 cadets requiring them.

The employing establishment acknowledged that appellant did perform additional word processing duties amounting to approximately one page a week and did spend other time on the computer attempting to correct errors or problems in the system, but stressed that appellant never performed production typing or data entry. Mr. Rhen added that appellant's position, which also entails, on a daily basis, filing, interacting with cadets, making telephone calls and communicating with staff, has a lot of variety and is not repetitive.

The work estimates provided by the employing establishment are supported by the position description contained in the record, which indicates that approximately 15 percent of appellant's time is spent performing word processing. While many aspects of appellant's job require some additional data entry, this work requirement interspersed with a variety of other duties that do not involve word processing or data entry. Thus, the record does not support that on a daily basis, appellant spends 75 percent or nearly all day long performing repetitive data entry and word processing.

Appellant considered her work repetitive; the employing establishment did not. 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 diagnosed conditions. Without such a detailed description, the medical evidence is insufficient to meet appellant's burden of proof.

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<sup>2</sup> Medical opinions which are based on an incomplete or inaccurate factual background are entitled to little probative value in establishing a claim for compensation benefits. *Daniel J. Overfield*, 42 ECAB 718 (1991).

The decision of the Office of Workers' Compensation Programs dated May 12, 1999 is hereby affirmed.

Dated, Washington, DC  
November 14, 2000

Michael E. Groom  
Alternate Member

Priscilla Anne Schwab  
Alternate Member

Valerie D. Evans-Harrell  
Alternate Member