

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHAEL J. PATRICK and U.S. POSTAL SERVICE,
PROCESSING & DISTRIBUTION CENTER, Mobile, AL

*Docket No. 00-89; Submitted on the Record;
Issued November 17, 2000*

DECISION and ORDER

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

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

On February 23, 1999 appellant, then a 48-year-old flat sorter machine operator, filed an occupational disease claim, alleging that he developed carpal tunnel syndrome while in the performance of duty. He stated that he first became aware of his condition in November 1998 and realized that it was caused or aggravated by his employment on February 23, 1998. In a narrative statement, appellant stated that he has been having problems with his right hand and arm for three years when he started keying the flat sorting machine. Appellant noted that, due to personnel conditions, he was required to work intermittently up to ten hours a day, keying "for as long as two to three hours," five to six days a week. He also stated that a year previous he experienced numbness, tingling and pain in his right hand, moving upwards into his arm. Appellant noted further that in November 1997 his doctor diagnosed him with carpal tunnel syndrome and recommended wearing a brace for 90 days. He then stated he saw Dr. Norman Lichtenfeld on February 23, 1999 who diagnosed him with carpal tunnel syndrome.

In support of his claim, appellant submitted a February 3, 1999 document which appears to be a medical report but which contains no signature, does not identify the doctor who allegedly examined and evaluated appellant, nor does it note which medical facility generated the document.

By letter dated April 15, 1999, the Office of Workers' Compensation Programs advised appellant that the evidence of file was insufficient to establish his claim for compensation benefits and advised him of the type of factual and medical evidence needed to establish his claim and requested that he submit such evidence. The Office requested that appellant submit a comprehensive medical report from his treating physicians which described his symptoms; results of examinations and tests (including Phalen's and Tinel's signs and results of any nerve conduction or electromyogram (EMG) studies); diagnosis; the treatment provided; the effect of treatment; and the doctor's opinion, with medical reasons, on the cause of appellant's condition

and an explanation of how specific work factors contributed to or caused his condition. The Office particularly requested a description of all of appellant's activities outside of the federal government, *i.e.*, in other employment, at home or with any hobbies, which involve repetitive hand or wrist movement including playing a musical instrument or hand-intensive sports such as tennis or racquet ball. Appellant was allotted 30 days within which to submit the requested evidence.

Appellant then submitted an unsigned document dated March 26, 1999 which purports to be a medical report and recommends use of a splint "and decreasing typing as an alternative to surgery." However this document does not bear a signature of a physician, nor does it include the name of the medical facility.

In a letter decision dated June 8, 1999, the Office denied appellant's claim on the grounds that the evidence of file was insufficient to establish a causal relationship between appellant's condition and his employment, noting that his EMG and nerve conduction studies testing results were negative for carpal tunnel syndrome.

The Board finds that appellant has not established that he sustained an injury.

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 diagnosed condition is causally related to the employment factors identified by claimant.¹ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.² 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,³ must be one of reasonable medical certainty⁴ 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.⁵ The mere fact that a condition 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 condition became apparent during a period of employment, nor the belief

¹ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

² The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may be dispensed with to establish a claim; *see Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not a case of obvious causal connection.

³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁴ *Morris Scanlon*, 11 ECAB 384-85 (1960).

⁵ *William E. Enright*, 31 ECAB 426, 430 (1980).

of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁶

In the instant case, the record reveals two documents purporting to be medical records supporting appellant's claim. The documents submitted are an unsigned February 23, 1999 progress note and an unsigned March 26, 1999 progress note purporting to evaluate appellant's carpal tunnel syndrome. Unsigned medical reports, however, are of no probative medical value in establishing causal relationship.⁷ As there are no probative medical reports of record appellant has failed to meet his burden of proof as he has not submitted sufficient rationalized medical evidence establishing a work-related injury.

The decision of the Office of Workers' Compensation Programs dated June 8, 1999 is hereby affirmed.

Dated, Washington, DC
November 17, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

⁶ *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁷ *See Merton J. Sills*, 40 ECAB 1121 (1989).

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[y] Does Board have jurisdiction over the appeal? The Board has jurisdiction over the Office's decisions in this case.

Appellant's claim: February 23, 1999

Office's initial decision: June 8, 1999

Appellant's appeal: August 23, 1999

[no] If appellant is represented on appeal, is the attorney/representative's authorization present?

[no] Is there an outstanding oral argument request?

[x] What are the issues on appeal? Burden of proof to establish fact of injury, carpal tunnel syndrome.

[y] Are the issues addressed in the text of your decision included in the issue statement?

[Y] Does the Board have jurisdiction over all the issues addressed?

[X] What are the dates of the pertinent reconsideration requests and Office decisions ?

[Y] Have all decisions over which the Board has jurisdiction been disposed of? *I.e.*, by affirmance, remand, reversal, etc. The draft affirms the Office's June 8, 1999 decision.

[Y] Has the draft been proofed for typos, grammatical errors and proper citation form?

[not applicable] Was the Office hearing rep's decision adoptable?

**Dated, Washington, DC
November 17, 2000**

**David S. Gerson
Member**

**Willie T.C. Thomas
Member**

A. Peter Kanjorski
Alternate Member