

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MADELYN WILLIAMSON and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, Los Angeles, CA

*Docket No. 99-613; Submitted on the Record;
Issued November 9, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability on May 24, 1997 causally related to her July 22, 1993 employment injury.

On July 22, 1993 appellant, then a 40-year-old psychiatric nursing assistant, sustained a fractured right wrist in the performance of duty. Surgery was performed on July 28, 1993. Appellant returned to work on September 14, 1993 on light duty with no change in her duties. By decision dated October 17, 1995, the Office granted appellant a schedule award based upon a 48 percent permanent impairment of the right arm. The award ran from May 19, 1995 to April 1, 1998.

Subsequently, appellant submitted a claim for compensation benefits for disability commencing on May 24, 1997 which she attributed to her July 22, 1993 employment injury.¹ She indicated that she stopped work on March 24, 1998 and resigned as of April 23, 1998.

By letter dated June 3, 1998, the Office advised appellant that she needed to submit medical evidence in support of her claim for a recurrence of disability including a comprehensive report from her attending physician containing dates of examination and treatment, detailed physical findings, a diagnosis, and an explanation as to how the condition was causally related to her July 22, 1993 employment injury.

In a report dated October 3, 1994, Dr. Joon Y. Koh, appellant's attending Board-certified attending orthopedic surgeon, provided findings on examination and indicated that appellant had right carpal tunnel syndrome which might require surgery in the future. In a letter dated December 20, 1994, Dr. Koh stated that appellant's carpal tunnel syndrome was directly related to her fracture sustained on July 22, 1993. He stated that 5 to 10 percent of individuals with displaced wrist fractures develop carpal tunnel syndrome. In a report dated May 19, 1995,

¹ She did not note the day and month that she submitted the claim form.

Dr. Koh provided findings on examination regarding the degree of appellant's permanent impairment to her right hand due to carpal tunnel syndrome.

In a report dated June 4, 1998, Dr. Koh related appellant's statement that she had retired from her job because she could not participate in lifting and pulling activities with her right hand. He provided findings on examination and stated that appellant had an aggravation of her carpal tunnel syndrome and was considering surgery.

By decision dated August 27, 1998, the Office denied appellant's claim for a recurrence of disability.

The Board finds that appellant has failed to meet her burden of proof to establish that she sustained a recurrence of disability on May 24, 1997 causally related to her 1993 employment injury.

An individual who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which compensation is claimed is causally related to the accepted injury.² This burden includes the necessity of furnishing medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical rationale.³ Where no such rationale is present, medical evidence is of diminished probative value.⁴

In this case, Dr. Koh, appellant's attending physician since her employment injury in 1993, attributed her carpal tunnel syndrome to the fractured wrist accepted as work related by the Office. He stated that such fractures lead to the development of carpal tunnel syndrome in 5 to 10 percent of individuals. However, he did not provide a rationalized medical opinion explaining how appellant's claimed recurrence of disability on May 24, 1997 was causally related to the 1993 employment injury. Dr. Koh did not discuss any job duties that may have precipitated the worsening of its carpal tunnel syndrome nor did he offer any bridging treatment to appellant between 1993 when she returned to light duty and 1997. Therefore, his report is not sufficient to meet appellant's burden of proof.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's claimed condition became apparent during a period of employment nor her belief that her condition was aggravated by her employment is sufficient to establish causal relationship.⁵ Appellant failed to submit rationalized medical evidence establishing that her claimed recurrence of disability on May 24, 1997 was causally related to the

² *Charles H. Tomaszewski*, 39 ECAB 461 (1988).

³ *Mary S. Brock*, 40 ECAB 461 (1989); *Nicolea Brusco*, 33 ECAB 1138 (1982).

⁴ *Michael Stockert*, 39 ECAB 1186 (1988).

⁵ *See Walter D. Morehead*, 31 ECAB 188 (1986).

July 22, 1993 employment injury and, therefore, the Office properly denied her claim for compensation.

The decision of the Office of Workers' Compensation Programs dated August 27, 1998 is hereby affirmed.

Dated, Washington, DC
November 9, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member