

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARY HOVIS-MARTIN and U.S. POSTAL SERVICE,
CIVIC CENTER ANNEX POST OFFICE, Oakland, CA

*Docket No. 00-87; Submitted on the Record;
Issued October 10, 2000*

DECISION and ORDER

Before WILLIE T.C. THOMAS, A. PETER KANJORSKI,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has established that she sustained an aggravation of Raynaud's syndrome in the performance of duty as alleged.

After a thorough review of the entire case record and the legal issues involved, the Board finds that appellant has not established that she sustained an aggravation of Raynaud's syndrome causally related to factors of her federal employment as alleged.

The procedural history of the case is as follows: On May 25, 1995 appellant, then a 55-year-old letter carrier on light duty as a route sorter, filed an occupational disease claim alleging that exposure to cold climactic conditions and surfaces since 1983 aggravated her Raynaud's syndrome.¹ Appellant did not stop work. The record indicates that appellant was on light duty with restrictions against exposure to cold beginning in 1989, when she was first diagnosed with Raynaud's syndrome. The Office of Workers' Compensation Programs initially denied appellant's claim by decision of January 11, 1996 on the grounds that fact of injury was not established. In a March 5, 1998 letter, appellant requested a hearing. By decision dated July 30,

¹ The record demonstrates that appellant had a prior claim, Office No. 13-994704, accepted for de Quervain's disease. The record contains an August 20, 1998 occupational condition claim for "tendonitic-type pain in both hands" attributable to casing mail, and an August 24, 1992 claim for inflammation, pain and swelling of the right hand and arm. These claims are not before the Board on the present appeal. However, the Board notes that the employing establishment controverted appellant's claim for Raynaud's syndrome in part based on the reports of Dr. Thomas D. Schmitz, an attending orthopedist treating appellant for radial styloid tenosynovitis, but not for Raynaud's syndrome. Dr. Schmitz submitted September 28, 1992, March 7 and May 3, 1995 reports regarding work restrictions related to tenosynovitis of the hands. These reports do not mention Raynaud's phenomenon. However, as the issue in this claim is the causal relationship of appellant's Raynaud's syndrome to work factors, Dr. Schmitz's reports regarding appellant's tenosynovitis are not relevant.

1998, a representative of the Office's Branch of Hearings and Review remanded the case to the Office for reconstruction of the record and issuance of a *de novo* decision.²

By decision dated September 29, 1998, the Office denied appellant's claim on the grounds that fact of injury was not established. The Office found that, while the medical record demonstrated that appellant had Raynaud's syndrome aggravated by cold, she had not established that her federal employment exposed her to cold. Appellant disagreed with this decision, and in an October 5, 1998 letter, requested an oral hearing before a representative of the Office's Branch of Hearings and Review, held April 28, 1999.

At the hearing, appellant testified that she worked outdoors as a letter carrier beginning in 1971, and began having problems with her hands in 1983 which she related to exposure to cold. In 1985 her router position, although primarily an indoor job, required daily outdoor collection of express mail beginning at 6:00 p.m., and delivering mail outdoors three to four days per week as a mandatory substitute for absent carriers. Appellant developed clinical symptoms of Raynaud's syndrome in 1989. After undergoing a fitness-for-duty examination in 1989, appellant was assigned to an indoor job sorting mail, but allegedly assigned to a "drafty" work space near open windows, and in 1995 was given routes to case near doors open to the outside.³

By decision dated July 7 and finalized July 8, 1999, the Office hearing representative affirmed the Office's September 29, 1998 decision. The hearing representative found that, while Dr. John S. Hege, an attending Board-certified internist and rheumatologist, had diagnosed Raynaud's syndrome aggravated by exposure to cold, he provided insufficient medical rationale to establish that appellant's condition was "caused or materially aggravated by her federal employment." Appellant disagreed with this decision and requested reconsideration in a July 22, 1999 letter. She submitted a May 15, 1999 report from Dr. Hege.

By decision dated August 3, 1999, the Office denied modification of the prior decision on the grounds that Dr. Hege's report was insufficient to establish causal relationship. The Office noted that, while Dr. Hege opined that Raynaud's syndrome "was aggravated by working in the cold," there was "no evidence [appellant] was required to work in the cold" as she had worked indoors since approximately 1985.

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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion must be one of reasonable medical certainty, and must be supported by

² In an August 24, 1998 letter, the Office advised appellant of the type of medical and factual evidence needed to establish her claim, in particular, a rationalized report from her attending physician explaining how and why the alleged employment factors would cause the claimed condition.

³ Appellant noted that she was only claiming reimbursement for medical expenses, and not for any period of wage loss.

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 has met the first element of the three-part test, as medical reports from Dr. Hege diagnose Raynaud's syndrome. In reports dated from March 10, 1995 to August 16, 1997, Dr. Hege diagnosed "cold-induced" Raynaud's phenomenon beginning in 1989, and recommended indoor work as exposure to cold caused appellant's fingers to blanch. In a May 15, 1999 report, Dr. Hege explained that "exposure to cold" caused intermittent spasms "of the small blood vessels" in the fingers and toes, resulting in "blanching and pallor." Dr. Hege characterized appellant's symptoms as "mild," without ulceration, tissue loss or structural changes of the fingers. Dr. Hege opined that appellant's Raynaud's syndrome was not "originally caused by work but it is aggravated by [appellant] working in the cold."

The Board finds, however, that appellant has failed to meet the second element of the three-part test, as she submitted insufficient evidence to establish that she was exposed to cold conditions in the course of her federal employment.

Appellant alleged that she was exposed to cold conditions at work on a regular basis since 1983. However, appellant submitted no evidence establishing that she was exposed to cold in the performance of duty from 1983 to 1989. Also, the record contains light-duty position descriptions demonstrating that appellant was on light duty with restrictions against exposure to cold beginning in 1989. In September 24, 1998 letters, supervisors Frances E. Hillard and Effie Powell-Ross confirmed that, during the previous six years, appellant was not subjected to cold or drafts either indoors or outdoors, and had not delivered mail for 15 years. In August 10, 1989 and September 3, 1991 reports, Dr. Willie L. Wilson, an employing establishment physician, prohibited appellant's exposure to cold, and recommended duties minimizing the chance of hand trauma. Thus, appellant has not established that she was exposed to cold conditions in the course of her federal employment as alleged. Without establishing the alleged cause of her condition as factual, merely establishing the existence of the claimed condition is not enough to establish causal relationship. The Board has held that the mere concurrence of a condition with a period of employment does not raise an inference of causal relationship between the two.⁵

Consequently, appellant has failed to establish that she sustained an aggravation of Raynaud's syndrome in the performance of duty as alleged, as she did not submit sufficient evidence to establish the claimed work factor of cold exposure as factual.

⁴ *Charles E. Burke*, 47 ECAB 185 (1995).

⁵ *Charles E. Richardson*, 34 ECAB 1413 (1983).

The decisions of the Office of Workers' Compensation Programs, dated August 3, 1999 and dated July 7, 1999 and finalized July 8, 1999, are hereby affirmed.

Dated, Washington, DC
October 10, 2000

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

Valerie D. Evans-Harrell
Alternate Member