

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MALVA BRYCE and U.S. POSTAL SERVICE,
POST OFFICE, Houston, TX

*Docket No. 99-2061; Submitted on the Record;
Issued September 8, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established that she has tendinitis of the wrist causally related to her employment.

On March 3, 1999 appellant filed a claim for tendinitis of the wrist which she related to her duties as a postal clerk. By letter dated March 29, 1999, the Office of Workers' Compensation Programs advised appellant of the evidence needed to establish her claim, including a comprehensive medical report containing the doctor's opinion, with medical reasons, on the cause of her condition. By decision dated May 3, 1999, the Office found that appellant had not established that her tendinitis of the wrist was causally related to her employment.

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.¹

The Board finds that appellant has not met her burden of proof.

Notes dated March 2 and 4, 1999 were prepared by nurses and nurse practitioners. These reports do not constitute competent medical evidence to support a claim, as nurses and nurse practitioners are not "physicians" within the definition of section 8101(2) of the Federal Employees' Compensation Act.² Appellant submitted two reports from physicians, but the

¹ *Froilan Negron Marrero*, 33 ECAB 796 (1982).

² 5 U.S.C. § 8101(2); *Merton J. Sills*, 39 ECAB 572 (1988).

report dated April 6, 1999 contained diagnoses but no opinion on causal relation. The medical report dated March 16, 1999 diagnosed de Quervain's tenosynovitis, and answered "possibly" to the question of whether this condition was related to appellant's repetitive use of her wrist at work. A statement that causal relationship is possible is speculative and equivocal, and not sufficient to meet an employee's burden of proof.³ Appellant has not met her burden of proof.

The decision of the Office of Workers' Compensation Programs dated May 3, 1999 is affirmed.

Dated, Washington, D.C.
September 8, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

³ *Charles A. Massenzo*, 30 ECAB 844 (1979).