

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAUL J. CASARES, JR. and DEPARTMENT OF VETERANS AFFAIRS,
MEDICAL CENTER, Fresno, CA

*Docket No. 00-1877; Submitted on the Record;
Issued April 27, 2001*

DECISION and ORDER

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

The issue is whether appellant's condition of right hand ganglion cyst is causally related to his federal employment.

On December 27, 1999 appellant, a 47-year-old program support clerk, filed a notice of occupational disease and claim for compensation (Form CA-2), alleging that he sustained recurring ganglion cysts on his right hand as a result of his federal employment. Appellant identified March 6, 1998 as the date he first became aware of his employment-related condition. He attributed his condition to excessive typing. Appellant further noted that since May 1998 he had undergone four surgical procedures to remove the cysts. His most recent surgery occurred on December 21, 1999. Appellant submitted a variety of medical records pertaining to his treatment and surgery during the period of October through December 1999.

By letter dated January 13, 2000, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical information. Appellant was further advised that the case would remain open for approximately 30 days in order to submit the requested information.

Although appellant did not submit any further medical evidence, he provided additional information regarding his employment duties and outside activities as requested. The employing establishment also provided information regarding appellant's employment duties.

In a decision dated March 14, 2000, the Office denied appellant's claim on the basis that he failed to establish that his condition was causally related to his federal employment.

The Board finds that appellant has not met his burden of proof in establishing that his claimed condition of right hand ganglion cyst is causally related to his federal employment.

In an occupational disease claim, in order to establish that an injury was sustained in the performance of duty, 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 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 the claimant.¹

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the condition was caused, precipitated or aggravated by his employment is sufficient to establish a causal relationship.² A physician's opinion on the issue of whether there is a causal relationship between the diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.³ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and claimant's specific employment factors.⁴

In the instant case, while the medical evidence indicates that appellant was treated for a recurring ganglion cyst in December 1999 and that he underwent surgery for this condition on December 21, 1999, the record does not include a medical opinion regarding causal relationship. Consequently, the medical evidence of record fails to establish a causal relationship between appellant's diagnosed condition and his employment. In the absence of rationalized medical opinion evidence establishing a causal relationship between appellant's ganglion cyst and his federal employment, appellant has failed to demonstrate that he sustained an injury in the performance of duty.⁵

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

² *Robert G. Morris*, 48 ECAB 238, 239 (1996).

³ *Victor J. Woodhams*, *supra* note 1.

⁴ *Id.*

⁵ *Id.*

The March 14, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
April 27, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member