

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BETTY S. CARTER and U.S. POSTAL SERVICE,
POST OFFICE, New York, NY

*Docket No. 01-232; Submitted on the Record;
Issued August 14, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant met her burden to establish that she sustained a right wrist and thumb condition in the performance of duty.

On May 14, 1999 appellant, a 44-year-old distribution window clerk, filed a Form CA-2 claim for benefits based on occupational disease, alleging that she had sustained de Quervain's disease of her right wrist, which was causally related to factors of employment. Appellant alleged that her condition was caused by the repetitive strain of opening and closing her window, in addition to lifting and using other machines.

In support of her claim, appellant submitted a July 7, 1999 treatment note from Dr. Todd B. Soifer, a specialist in orthopedic surgery, which contained a diagnosis of her condition and advised her to undergo physical therapy and remain at home for three weeks, at which time she was to be reevaluated.

By letter dated September 3, 1999, the Office of Workers' Compensation Programs advised appellant that it required additional factual and medical evidence to determine whether she was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report describing her symptoms, indicating a diagnosis of the condition and the medical reasons for her condition and an opinion as to whether her claimed condition was causally related to her federal employment. The Office requested that appellant submit the additional evidence within 30 days.

Appellant submitted a July 29, 1999 treatment note from Dr. Soifer, which essentially reiterated his earlier report in addition to periodic reports pertaining to her physical therapy.

By decision dated October 27, 1999, the Office denied appellant's claim on the grounds that she did not submit medical evidence sufficient to establish that the claimed medical condition was causally related to her federal employment.

The Board finds that appellant did not meet her burden of proof to establish that she sustained a right wrist and thumb condition in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

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 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. The medical evidence required to establish causal relationship is usually rationalized medical evidence. 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, must be one of reasonable medical certainty 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.⁴

In the present case, the only medical evidence appellant submitted, the treatment notes from Dr. Soifer, were of a summary nature and did not contain an opinion bearing on causal relationship. Appellant, therefore, has failed to submit any rationalized, probative medical evidence establishing that the diagnosed condition of de Quervain's disease of her right wrist is causally related to employment factors or conditions.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship.⁵ Causal relationship must be established by

¹ 5 U.S.C. §§ 8101-8193.

² *Joe Cameron*, 42 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

⁵ *See id.*

rationalized medical opinion evidence. The Office advised appellant of the type of evidence required to establish her claim; however, appellant failed to submit such evidence. Appellant, therefore, did not provide a medical opinion to sufficiently describe or explain the medical process through which factors of her employment would have been competent to cause her claimed condition. Thus, the Office's October 27, 1999 decision is affirmed.

The October 27, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 14, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member