

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of NATALIE OVERALL and U.S. POSTAL SERVICE,
POST OFFICE, Raleigh, NC

*Docket No. 01-435; Submitted on the Record;
Issued December 13, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a recurrence of disability commencing December 1, 1998 causally related to her accepted work injury.

The Board has duly reviewed the case record and finds that appellant failed to establish that she sustained a recurrence of disability.

On April 8, 1996 appellant, then a 43-year-old mail processor, filed a traumatic injury claim for pain and numbness in the right wrist, which the Office of Workers' Compensation Programs accepted on July 24, 1997 for carpal tunnel syndrome and release.

On October 12, 1998 appellant filed a claim for recurrence of disability alleging that pain in her right wrist and fingers was causally related to her accepted 1996 work injury. The Office accepted the claim on May 6, 1999.¹

On August 10, 1999 appellant filed a claim for recurrence of disability commencing December 1, 1998. The Office denied appellant's claim on February 28, 2000, finding that the evidence of record failed to establish a causal relationship between the injury of January 3, 1996 and the claimed recurrence on December 1, 1998. On September 15, 2000 appellant requested reconsideration. By decision dated October 30, 2000, the Office denied appellant's request on the grounds that the evidence of record was insufficient to warrant modification of its prior decision.

¹ The Office advised appellant that compensation for total disability would be paid from July 29 through September 8, 1998. Appellant was also advised that she would need to submit a claim and supporting medical evidence for the surgery on December 2, 1998 and any time lost from work during that period.

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing 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 and that the claim was filed within the applicable time limitations of the Act.³ An individual seeking disability compensation must also establish that an injury was sustained at the time, place and in the manner alleged,⁴ that the injury was sustained while in the performance of duty,⁵ and that the disabling condition for which compensation is claimed was caused or aggravated by the individual's employment.⁶ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.⁷

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. This burden includes the necessity of furnishing medical evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the accepted employment injury and supports that conclusion with sound medical reasoning.⁸

When an employee, who is disabled from the job she held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence of record establishes that she can perform the light-duty position, the employee has the burden to establish by the weight of the reliable, probative and substantial evidence a recurrence of total disability and show that she cannot perform such light duty. As part of this burden, the employee must show a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty job requirements.⁹

The medical evidence in support of appellant's December 1, 1998 recurrence of disability claim consists of a June 7, 1999 attending physician's report by Dr. George M. Charron, a Board-certified orthopedic surgeon, a December 2, 1998 operative report by Dr. Charron, his office notes and a July 29, 1998 operative report of appellant's surgery that day for carpal tunnel release.

² 5 U.S.C. §§ 8101-8193.

³ *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *Robert A. Gregory*, 40 ECAB 478 (1989).

⁵ *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *Steven R. Piper*, 39 ECAB 312 (1987).

⁷ *David J. Overfield*, 42 ECAB 718 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁸ *Lourdes Davila*, 45 ECAB 139 (1993); *Louis G. Malloy*, 45 ECAB 613 (1994).

⁹ *Terry R. Hedman*, 38 ECAB 222 (1986).

In his June 7, 1999 report, Dr. Charron gave a history of injury of right hand pain/previous carpal tunnel release and diagnosed right carpal tunnel syndrome and right de Quervain's tendinitis. He stated that treatment included surgery on December 2, 1998 and added that appellant's condition was possibly aggravated by employment activity.

A December 2, 1998 report by Dr. Charron indicated that surgery was performed that day for right wrist de Quervain's tendinitis. Other earlier notes referred to his diagnosis of de Quervain's tendinitis.

None of the medical evidence submitted provided a rationalized medical opinion explaining a causal relationship between appellant's accepted carpal tunnel syndrome and the claimed recurrence commencing December 1, 1998. Also, none of the evidence explained a causal relationship between appellant's diagnosed condition of de Quervain's tendinitis¹⁰ and resultant surgery or disability for work in 1998 and her accepted 1996 carpal tunnel syndrome. Dr. Charron's statement that appellant's condition was possibly aggravated by employment activity as equivocal and failed to include rationale to support an aggravation of appellant's accepted carpal tunnel syndrome. In addition, none of the evidence established that appellant could not perform the limited duties she was assigned at the time of the claimed recurrence. Therefore, none of the medical evidence is sufficient to establish appellant's claim.

By letter dated December 30, 1999, the Office advised appellant of the specific type of evidence needed to establish her claim. No such evidence was submitted. Therefore, the Board finds that appellant failed to meet her burden of proof.

The October 30 and February 28, 2000 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC
December 13, 2001

Michael J. Walsh
Chairman

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member

¹⁰ This was not an accepted condition.