

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of STELLA M. ASHCRAFT and U.S. POSTAL SERVICE,  
POST OFFICE, St. Louis, MO

*Docket No. 99-2470; Submitted on the Record;  
Issued January 22, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant established that she developed bilateral carpal tunnel syndrome in the performance of duty.

On November 11, 1998 appellant, then a 42-year-old distribution clerk, filed notice of occupational disease, alleging that she developed bilateral carpal tunnel syndrome, causally related to her employment. In support of her claim, appellant submitted a personal statement, dated November 12, 1998 and a listing of her past employment history.

In a December 7, 1998 letter, the Office of Workers' Compensation Programs advised appellant of the factual and medical evidence needed to determine whether she was eligible for benefits under the Federal Employees' Compensation Act.<sup>1</sup> In particular, appellant was asked to provide a comprehensive medical report and a physician's opinion, with medical reasons for such opinion, as to how the work incident caused or aggravated the claimed injury.

In response, appellant submitted a return-to-work form, dated November 9, 1998 and signed by Dr. Johnetta M. Craig, a Board-certified family practitioner. She noted that appellant had been diagnosed with bilateral carpal tunnel syndrome and was working with an orthopedist for treatment. Dr. Craig restricted appellant's work assignments to the extent that if an activity caused appellant pain, she should not be required to perform that activity. Appellant also forwarded a letter dated October 16, 1998 confirming a medical appointment and a personal statement dated December 16, 1998.

By decision dated January 15, 1999, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that appellant's bilateral carpal tunnel syndrome was caused by employment factors.

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<sup>1</sup> 5 U.S.C. §§ 8101-8103.

Prior to the Office's decision, appellant forwarded nerve conduction test results<sup>2</sup> dated November 2, 1998 and performed by Dr. Papaiah Sreepada, a neurologist, who diagnosed bilateral mild to moderate median neuropathy at the wrist, consistent with carpal tunnel syndrome. Additionally, appellant forwarded progress notes dated November 9 and 24, 1998, signed by Dr. Craig and notes dated November 25, 1998 from Dr. Sreepada, who noted appellant's complaints of pain in both hands and over her forearms, but was unable to give a definitive diagnosis of appellant's condition, stating instead that appellant may have arthritis, tendinitis or carpal tunnel syndrome. Dr. Sreepada added that appellant's condition could have several causes, but noted that appellant "keeps arguing" that it was work related.

By letter dated April 28, 1999, appellant requested reconsideration of the Office's January 15, 1999 decision. Appellant also submitted a functional capacity evaluation, completed on March 12 and 22, 1999 and signed by Dr. Anthony Margherita.<sup>3</sup> While this evaluation noted appellant's pain in both wrists and arms, it did not diagnose appellant's condition or address its cause.

By merit decision dated June 16, 1999, the Office denied modification of its January 15, 1999 decision on the grounds that the medical evidence did not establish that appellant had a condition caused or aggravated by factors of her federal employment.

The Board finds that appellant has not met her burden of proof in establishing that she sustained carpal tunnel syndrome in the performance of duty.

An employee seeking benefits under the Act 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.<sup>4</sup> These are essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>5</sup>

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

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<sup>2</sup> From the date stamp on appellant's materials, it is clear that the Office received these medical reports on January 7, 1999, before the Office's January 15, 1999 decision. Inasmuch as they were considered with appellant's request for reconsideration, the Board finds the Office's failure to consider them in the original decision to be harmless error.

<sup>3</sup> It is unclear what Dr. Margherita's field of medicine is.

<sup>4</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>5</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

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, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion of 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.<sup>6</sup>

In this case, it is not disputed that appellant was assigned the manual tasks of sorting and casing mail as a distribution clerk for the employing establishment. Additionally, the medical evidence indicates that she does indeed suffer from pain in her wrists and forearms. However, appellant has submitted conflicting medical evidence on the diagnosis of carpal tunnel syndrome. Dr. Craig indicated that appellant had been diagnosed with bilateral carpal tunnel syndrome but failed to address the issue of causal relationship in any of her reports. Further, while appellant scheduled an appointment with an orthopedist on October 12, 1998, there is no report from an orthopedist in the record.

In her report dated November 2, 1998, Dr. Sreepada initially diagnosed bilateral carpal tunnel syndrome. However, in the progress notes dated November 25, 1998, Dr. Sreepada noted that appellant's condition might be arthritis, tendinitis or carpal tunnel syndrome. While the notes indicated that appellant felt her condition was work related, Dr. Sreepada offered no opinion on the cause of appellant's pain.

The functional capacity evaluation indicated that appellant had limited physical capabilities because of pain, but did not offer any diagnosis. Appellant has failed to present a rationalized medical opinion and therefore, has failed to meet her burden of proof in establishing that she has a disabling, work-related condition.<sup>7</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> See *Victor J. Woodhams*, *supra* note 5.

The decisions of the Office of Workers' Compensation Programs dated June 16 and January 15, 1999 are hereby affirmed.

Dated, Washington, DC  
January 22, 2001

Michael J. Walsh  
Chairman

Bradley T. Knott  
Alternate Member

Priscilla Anne Schwab  
Alternate Member