

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PATRICIA J. RUDOLPH and U.S. POSTAL SERVICE,
POST OFFICE, St. Louis, MO

*Docket No. 00-2375; Submitted on the Record;
Issued July 16, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant established a recurrence of disability causally related to her accepted employment conditions of carpal tunnel syndrome and cubital tunnel syndrome.

On May 28, 1996 appellant, then a 40-year-old general clerk, filed a notice of occupational disease and claim for compensation alleging that exposure to repetitive work factors caused or aggravated her left and right wrist conditions. Appellant cited employment factors as typing, sorting, casing, distributing, delivering and opening mail. The Office of Workers' Compensation Programs accepted the claim for conditions of bilateral carpal tunnel syndrome.

Appellant has been under the care of Dr. Gary W. Farley, an osteopath, since June 12, 1996 for bilateral arm pain. She failed conservative treatment consisting of braces and anti-inflammatory medication and was considered a candidate for endoscopic carpal tunnel release. The Office authorized a left carpal tunnel release on November 14, 1996 and a right carpal tunnel release on December 11, 1996. Appellant was off work from November 14 until December 30, 1996, when she accepted a modified position.¹

In a December 14, 1999 decision, the Office determined that the position of a modified general clerk fairly and reasonably represented appellant's wage-earning capacity.² Appellant was found to have no loss of wage-earning capacity; therefore, her wage-loss compensation was terminated. Appellant receives medical expenses for her injury-related conditions.

On February 25, 2000 appellant filed a claim for a recurrence of disability commencing February 14, 2000. She stated on her CA-2a form that she sustained a recurrence of disability,

¹ Appellant has an accepted claim for a left rotator cuff tear with surgery performed on December 9, 1992.

² The Office noted that appellant's wages in her modified general clerk position was \$749.67 per week effective December 30, 1996. The record indicates that her pay rate for her job at the date of injury was \$643.77.

“[b]ecause I have been doing repetitive work so I wouldn’t be treated like an incompetent idiot.” She further noted that her hands were swollen after work to the point where she had to put ice on them.³

On March 27, 2000 the Office received a three-page statement from appellant and a medical note dated March 6, 2000 indicating that appellant was being seen for work-related stress and that she needed to continue to be out of work for at least 30 days. Appellant alleged that she was under stress due to her physical limitations and family problems.

By letter dated March 29, 2000, the Office advised appellant of the factual and medical evidence required to establish her claim for a recurrence of disability.

In a June 12, 2000 decision, the Office found that appellant failed to establish that her claimed recurrence of disability was causally related to her accepted occupational disease claim for carpal tunnel syndrome and cubital tunnel conditions.

The Board finds that appellant failed to meet her burden of proof to establish a recurrence of disability causally related to her accepted employment conditions of carpal tunnel syndrome and cubital tunnel syndrome.

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.⁴

In the present case, appellant has submitted no medical evidence to support that she can no longer perform her light-duty position as a result of her accepted work-related conditions of carpal and cubital tunnel syndrome. There is no medical evidence to show a change in her medical status with respect to her work injury. The only evidence submitted by appellant indicates that she stopped work on February 14, 2000 due to stress. Furthermore, there is no evidence to support appellant’s allegation that her modified-duty job was becoming more difficult such that she could not perform her duties. Since appellant has the burden of proof to establish that she sustained a recurrence of disability due to a worsening of her injury-related condition or a change in the nature of her light-duty work, the Board finds that the Office properly denied compensation.

³ The record indicates that appellant filed a claim for an emotional condition on the same date that she filed her claim for a recurrence of disability.

⁴ *Cynthia M. Judd*, 42 ECAB 246 (1990); *Terry R. Hedman*, 38 ECAB 222 (1986).

The decision of the Office of Workers' Compensation Programs dated June 12, 2000 is hereby affirmed.

Dated, Washington, DC
July 16, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member