

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHELLE DESIR and U.S. POSTAL SERVICE,
GENERAL MAIL FACILITY, Brooklyn, NY

*Docket No. 00-2265; Submitted on the Record;
Issued June 4, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a wrist condition causally related to factors of her federal employment.

On January 19, 2000 appellant, then a 49-year-old manual clerk, filed an occupational disease claim alleging that her right hand pain resulted from her work duties.

In a January 10, 2000 treatment note, Dr. Elie J. Sarkis, a Board-certified orthopedic surgeon, reported that appellant could not return to work due to carpal tunnel syndrome and tenosynovitis. A second note also signed by Dr. Sarkis on January 10, 2000 indicated that appellant was disabled from January 11 to 25, 2000.

In a February 24, 2000 treatment note, Dr. Sarkis diagnosed right hand carpal tunnel syndrome, tenosynovitis and left shoulder rotator cuff tear. She noted that appellant could work the manual operation machine but needed a high back chair to perform her duties. Physical therapy was also requested.

In a letter dated March 13, 2000, the Office of Workers' Compensation Programs advised appellant of the nature of the factual and medical evidence required to establish her claim. The Office specifically requested a comprehensive medical report from appellant's treating physician.

In a decision dated April 21, 2000, the Office denied compensation on the grounds that the medical evidence was insufficient to establish a causal relationship between appellant's diagnosed carpal tunnel syndrome and factors of her federal employment.

The Board finds that appellant failed to establish that she sustained a wrist condition causally related to factors of her federal employment.¹

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, that the claim was timely filed within the applicable time limitation 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.³ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

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 a 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.⁵

The medical evidence required to establish causation, generally, is rationalized medical opinion 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.⁶

In this case, there is no rationalized medical opinion evidence addressing the issue of causal relationship. Therefore, appellant failed to carry her burden of proof. The treatment notes by Dr. Sarkis diagnose carpal tunnel syndrome among other conditions, but the physician did not offer an opinion on whether appellant's right hand condition is causally related to her work duties. Because the Office informed appellant of the medical evidence required to establish her

¹ Appellant submitted additional evidence subsequent to the Office's April 21, 2000 decision. However, the Board's jurisdiction is limited to evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

² 5 U.S.C. §§ 8101-8193.

³ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton* 40 ECAB 1143 (1989).

⁴ *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ *Woodhams*, *supra* note 4.

⁶ *Id.*

claim and she did not submit a rationalized medical opinion as requested, the Office properly denied her claim for compensation.

The decision of the Office of Workers' Compensation Programs dated April 21, 2000 is hereby affirmed.

Dated, Washington, DC
June 4, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member