U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of FREDDIE L. WILKS and U.S. POSTAL SERVICE,
POST OFFICE, Childress, TX

Docket No. 01-300; Submitted on the Record;
Issued September 10, 2001

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained carpal tunnel syndrome in both hands causally related to factors of his federal employment.

On June 21, 2000 appellant, then a 50-year-old postal distribution clerk, filed an occupational disease claim alleging that his bilateral carpal tunnel syndrome resulted from performing his employment duties. Appellant did not stop work. Submitted with the claim was an October 11, 1999 note from Debbie Glenn, R.N., confirming that appellant had been diagnosed with bilateral carpal tunnel syndrome by electromyogram on August 3, 1999.

In a letter dated July 6, 2000, the Office of Workers' Compensation Programs informed appellant that the materials he submitted were insufficient to determine whether appellant was eligible for benefits under the Federal Employees' Compensation Act. It noted that medical reports must come from a physician, not a nurse and asked appellant to provide a comprehensive medical report from his treating physician describing his symptoms, results of examinations and tests, diagnosis, the treatment provided, the effect of treatment and the doctor's opinion, with medical reasons, on the cause of his condition and how factors of appellant's federal employment contributed to such condition. No additional evidence was received.

By decision dated September 8, 2000, the Office denied appellant's claim on the grounds that he had not established fact of injury. The Office found that appellant had experienced the claimed employment factors but did not submit sufficient medical evidence to establish that he had any condition attributable to his employment.

The Board finds that appellant has not established that his bilateral carpal tunnel syndrome was causally related to factors of his federal employment.

An employee seeking benefits under the Act[1] has the burden of establishing the essential elements of her claim, including the fact 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]

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 the 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.[3] The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.[4]

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,[5] must be one of reasonable medical certainty[6] 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.[7] The mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.[8]

In this case, none of the medical evidence submitted by appellant is sufficient to establish that his claimed carpal tunnel syndrome condition was caused or aggravated by his federal employment. Appellant submitted a report dated October 11, 1999 from a nurse confirming that

[1] 5 U.S.C. §§ 8101-8193.

[2] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

[3] *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

[4] The Board has held that in certain cases, where the causal connection is so obvious, expert medical testimony may be dispensed with to establish a claim; *see Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not a case of obvious causal connection.

[5] *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

[6] *See Morris Scanlon*, 11 ECAB 384-85 (1960).

[7] *See William E. Enright*, 31 ECAB 426, 430 (1980).

[8] *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

appellant was diagnosed with bilateral carpal tunnel syndrome. However, a registered nurse is not a physician as defined by the Act and a nurse's reiteration of a diagnosis is, therefore, of no probative value.[9] Appellant was provided an opportunity to provide supportive evidence in the Office's letter of July 6, 2000, but no additional evidence was received. Accordingly, the Office properly denied appellant's claim for failure to establish an injury within the meaning of the Act.

On appeal appellant asserted that a July 20, 2000 medical report from Dr. Wayne S. Paullus, Jr. was never received by the Office and submitted a copy of the report. The Board's jurisdiction on appeal is limited to a review of the evidence which was in the case record before the Office at the time of its final decision.[10] Because Dr. Paullus' July 20, 2000 report was not in the case record at the time the Office issued its September 8, 2000 decision, the Board is precluded from reviewing this evidence.[11]

The September 8, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
September 10, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

[9] 5 U.S.C. § 8101(2); *Sheila A. Johnson*, 46 ECAB 323 (1994).

[10] *See* 20 C.F.R. § 501.2(c).

[11] Appellant may resubmit this evidence and legal contentions to the Office accompanied by a request for reconsideration pursuant to 5 U.S.C. § 8128(a). 20 C.F.R. § 10.606(b) (1999).