

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARTHA MACK and U.S. POSTAL SERVICE,
POST OFFICE, Bakersfield, CA

*Docket No. 02-2118; Submitted on the Record;
Issued December 16, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
DAVID S. GERSON

The issue is whether appellant sustained an injury in the performance of duty.

On February 4, 2002 appellant, then a 45-year-old distribution clerk, filed a claim alleging that on that day she injured her right wrist while in the performance of duty. Appellant stated that when she lifted a bag of mail from the express mail hamper with her left hand, the metal buckle attached to the mailbag struck her right hand, causing pain and swelling.

In a report dated February 4, 2002, Dr. Young N. Paik, appellant's treating physician and a Board-certified orthopedic surgeon, stated that he treated appellant that day "regarding the right hand as related to an industrial injury on February 4, 2002." Dr. Paik noted that her recent history of a right thumb ganglion cyst which had been excised. Upon examination he found a soft tissue mass over the volar aspect of her right hand that measured five centimeters. The physician stated that appellant "may have developed a hematoma after being struck by the metal buckle or possibly a ganglion cyst arising from the tendon sheath, or possibly a pathological lesion."

In a report dated February 12, 2002, Dr. Paik stated that a February 10, 2002 magnetic resonance imaging scan revealed a soft tissue mass over the volar aspect of the 2nd metacarpophalangeal joint anterior to the flexor tendon. He stated that the soft tissue mass is chronic in nature "which was aggravated when struck by a metal buckle." He requested authorization for excision, noting a possible giant cell tumor arising from the tendon sheath.

On April 5, 2002 the Office of Workers' Compensation Programs in response to Dr. Paik's request for authorization, requested a justification for the surgery "and its relationship to the industrial injury" he was treating. Specifically, the Office asked Dr. Paik to explain whether there was any objective change in appellant's underlying condition as a result of the alleged work-related aggravation.

In a report dated May 6, 2002, Dr. Paik stated that appellant remained symptomatic with a soft tissue mass and that he would excise it as soon as surgery was authorized.

By decision dated July 3, 2002, the Office denied appellant's claim on the grounds that the evidence failed to establish that her condition was caused or aggravated by her employment.¹

The Board finds that appellant has not met her burden of proof in establishing that her claimed condition of right hand soft tissue mass is causally related to her federal employment.

Causal relationship is a medical issue and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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.² Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.³

In the instant case, while the medical evidence indicates that appellant has a soft tissue mass in her right hand, the record does not include a medical opinion regarding causal relationship. For example, Dr. Paik's initial report speculated that appellant may have developed a hematoma after being struck by a metal buckle, however, subsequent reports failed to establish how the act of her hand being struck by a metal buckle caused or aggravated the soft tissue mass on her right hand. None of his reports provide a rationalized medical opinion explaining how the act of being struck by a metal buckle aggravated her soft tissue mass.

Further, an award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship.⁴ Causal relationship must be established by rationalized medical opinion evidence.⁵ The Office advised appellant's treating physician of the type of evidence required to establish this claim, however, appellant failed to

¹ The record includes an Office telephone conversation summary between the Office and a congressional office, in which the Office noted that if appellant's physician determined that she had a ganglion cyst that was related to employment, "she may want to file an occupational claim."

² *Allen C. Hundley*, 53 ECAB ____ (Docket No. 02-107, issued May 17, 2002).

³ *Claudia L. Yantis*, 48 ECAB 495 (1997).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *Allen C. Hundley*, *supra* note 2.

submit such evidence. Dr. Paik's opinion on causal relationship is of limited probative value in that it did not establish that appellant's soft tissue mass was aggravated by her employment.⁶

Consequently, the medical evidence of record fails to establish a causal relationship between appellant's diagnosed condition and her employment. In the absence of rationalized medical opinion evidence establishing a causal relationship between appellant's soft tissue mass and her federal employment, appellant has failed to demonstrate that she sustained an injury in the performance of duty.

The July 3, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.⁷

Dated, Washington, DC
December 16, 2002

Alec J. Koromilas
Member

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

⁶ *Lois E. Culver (Clair L. Culver)*, 53 ECAB ____ (Docket No. 01-640, issued March 5, 2002).

⁷ The Board notes that this case record contains evidence which was submitted subsequent to the Office's July 3, 2002 decision. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *James C. Campbell*, 5 ECAB 35, 36 n. 2 (1952). This decision does not preclude appellant from submitting additional evidence to the Office along with a request for reconsideration.