

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES GOLDSBERRY and U.S. POSTAL SERVICE, SANTA CLARITA PROCESSING & DISTRIBUTION CENTER, Valencia, CA

*Docket No. 01-1293; Submitted on the Record;
Issued January 17, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant developed carpal tunnel syndrome in the performance of duty as alleged.

On May 13, 2000 appellant then a 56-year-old custodian, filed an occupational disease claim alleging that on or about March 17, 2000 he developed continuous and unbearable pain in his left hand and arm as a result of wiping off 120 tables and moping the floor at work. He indicated that he first realized that a subsequent diagnosis of carpal tunnel syndrome was caused by his employment on May 10, 2000. Appellant stopped work on May 5, 2000 and returned on May 15, 2000.

Appellant submitted a certificate of health and a disability slip dated May 12, 2000 from Dr. M. Minosa, attending physician at the Facey Medical Group in Castaic, California. The slip indicated that the physician treated appellant since March 14, 2000 and that he was able to return to work on May 15, 2000. Dr. Minosa noted that appellant had been diagnosed with left carpal tunnel syndrome that was "likely work related" and he outlined work restrictions.

On June 6, 2000 the Office of Workers' Compensation Programs informed appellant that the evidence submitted was insufficient to establish his claim. The Office noted that though his physician provided a diagnosis of carpal tunnel syndrome that was "likely" related to his work, his opinion was unsupported by rationalized opinion or diagnostic tests. Therefore, the Office advised appellant to submit additional evidence within 30 days or his claim may be denied. No evidence was submitted within the allotted timeframe.

By decision dated July 7, 2000, the Office denied appellant's claim on the grounds that fact of injury was not established.¹

¹ The Board notes that appellant submitted additional evidence subsequent to the issuance of the July 7, 2000 decision. Because such evidence was not submitted prior to the July 7, 2000 decision, the Board cannot review

The Board finds that appellant has not established that he developed carpal tunnel syndrome in the performance of duty.

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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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

In this case, appellant has met the first element of the three-part test, as a disability slip from Dr. Minosa diagnosed left carpal tunnel syndrome and recommended light-duty work beginning May 15, 2000 due to his condition. The Board finds, however, that appellant has failed to meet the third element of the three-part test, as he submitted insufficient evidence to establish that he developed left carpal tunnel syndrome in the course of his federal employment.

Appellant alleged that he developed continuous and unbearable pain in his left hand and arm after performing duties including wiping off 120 tables and mopping the floor on March 17, 2000. He asserted that such pain was later diagnosed as left carpal tunnel syndrome. However, appellant submitted no evidence establishing that he developed the diagnosed condition in the performance of duty. Dr. Minosa, appellant's physician, simply noted in a disability slip that appellant's diagnosed left carpal tunnel syndrome was likely caused by repetitive activities at work. He did not provide a history of injury nor did he provide a rationalized medical opinion establishing that the diagnosed condition was causally related to the implicated employment factors. The Board has held that the mere concurrence of a condition with a period of employment does not raise an inference of causal relationship between the two.³

Consequently, appellant has failed to establish that he sustained carpal tunnel syndrome in the performance of duty as alleged, as he did not submit sufficient evidence to establish the claimed work factors as factual.

The July 7, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.⁴

Dated, Washington, DC

such evidence on appeal.

² *Charles E. Burke*, 47 ECAB 185 (1995).

³ *Charles E. Richardson*, 34 ECAB 1413 (1983).

⁴ With appellant's request for an appeal, appellant submitted additional medical evidence. However, the Board may not consider new evidence on appeal; *see* 20 C.F.R. § 501.2(c).

January 17, 2002

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member