

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of FRED W. SIMPSON and U.S. POSTAL SERVICE,
POST OFFICE, Bellmawr, NJ

*Docket No. 02-278; Submitted on the Record;
Issued July 5, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
WILLIE T.C. THOMAS

The issue is whether appellant has met his burden of proof in establishing that his bilateral carpal tunnel syndrome is causally related to factors of his federal employment.

On July 10, 2000 appellant, then a 64-year-old former motor vehicle mechanic and automotive storekeeper, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that he suffered from bilateral carpal tunnel syndrome, which he attributed to repetitive duties performed during his employment. He asserted he first realized the condition was work related on January 1, 1994. Appellant further asserted that his condition was aggravated by an accident, which occurred at work on January 31, 1990, when he slipped and fell down some stairs. Following that injury, appellant stopped work and returned in February 1993 to a limited-duty position for four hours per day. The Office of Workers' Compensation Programs accepted the 1990 injury for multiple contusions, neck and left elbow, left ankle sprain and aggravation of preexisting spinal stenosis.¹

Appellant was later diagnosed with left and right carpal tunnel syndrome and underwent carpal tunnel release surgeries. On March 6, 1998 the Office denied a claim for left carpal tunnel syndrome, which appellant claimed at that time was caused by the 1990 injury. On February 10, 1999 an Office hearing representative affirmed the decision on the grounds that appellant failed to establish a causal relationship between the employment injury and his claimed condition. Appellant subsequently retired from federal service in July 1999.

In support of the present CA-2 claim, appellant submitted medical documentation, which discussed his January 31, 1990 injury and noted that he had developed left carpal tunnel syndrome. An Office letter dated August 16, 2000 advised appellant that additional factual and medical evidence was needed to establish his claim. Appellant thereafter submitted a statement

¹ On May 8, 1996 appellant sustained a second employment injury, which the Office accepted for fracture of the right elbow and combined with the 1990 claim.

dated September 24, 2000 in which he discussed the repetitive nature of his former work duties, his 1990 injury and how he attributed the onset and aggravation of his carpal tunnel syndrome to such factors. He further submitted documentation, which diagnosed bilateral carpal tunnel syndrome and discussed nerve studies and surgeries performed related to the condition.

By decision dated November 6, 2000, the Office denied appellant's claim, as the medical evidence was insufficient to establish that appellant developed the claimed condition in the performance of duty, as required by the Federal Employees' Compensation Act.² The Office found that there was no medical evidence submitted which discussed the causal relationship between appellant's claimed carpal tunnel syndrome and his employment.

By letter dated November 14, 2000, appellant through counsel requested a hearing with an Office hearing representative.

During an April 24, 2001 hearing, appellant testified about the specific work duties performed for the employing establishment that he claimed caused and aggravated his condition. He explained that, while working as a mechanic, he used drills, wrenches, cutters and floor jacks; and as a storekeeper, he used a computer to order and charge out parts and further that he packed, unpacked and shelved automotive parts. Appellant also discussed that, when later employed in the limited-duty position, he continued to use the computer, as well as filing and typing. He further testified about his injuries in January 1990 and May 1996, which he maintained contributed to the condition.

Appellant submitted narrative, diagnostic and operative reports, which detailed the evaluation, diagnosis and treatment of his carpal tunnel condition. In a report dated November 16, 1999, Dr. Randall Culp, a Board-certified orthopedic surgeon and appellant's primary physician, outlined appellant's medical and employment history, his chief complaints of constant bilateral hand pain, diagnostic studies performed which confirmed the condition and detailed his release surgeries performed in 1997, 1998 and 1999. Dr. Culp indicated his belief that appellant's past employment injuries in 1990 and 1996 had not produced any significant relationship to his carpal tunnel syndrome. He further stated that appellant's employment beginning in 1968 with the employing establishment, which involved mechanic and computer work would have exacerbated his symptoms, however, would not have caused the condition. In a report dated September 14, 2000, Dr. Culp further discussed appellant's hand complaints, nerve conduction studies and diagnosis, and that appellant related his condition to his 33 years of federal employment. Dr. Culp reiterated that appellant's employment would have exacerbated his symptoms; however, he also stated in the report that appellant had been separately diagnosed with diabetes and that his diabetic condition would have also been a factor in his carpal tunnel syndrome.

Following review of the evidence, by decision dated July 17, 2001, an Office hearing representative affirmed the Office's November 6, 2000 decision.

² 5 U.S.C. §§ 8101-8193.

The Board finds that appellant has not met his burden of proof in establishing that his bilateral carpal tunnel syndrome was causally related to factors of his federal employment.

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;³ (2) a factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;⁴ 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 causal relationship, 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,⁶ must be one of reasonable medical certainty,⁷ 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.⁸

In this case, it is not disputed that appellant's employment duties involved frequent movements of the hands and wrists and that diagnostic studies confirm a diagnosis of bilateral carpal tunnel syndrome, for which appellant has undergone multiple surgeries. The medical evidence in this case, however, is insufficient to establish that appellant's employment duties caused his diagnosed condition.

In reports submitted by appellant, Dr. Culp discussed the treatment and evaluation of appellant's bilateral hand and wrist pain and the employment duties outlined by appellant, which he related would have exacerbated his carpal tunnel syndrome. These reports, however, do not contain any opinion or explanation as to the cause or origin of the diagnosed condition. Furthermore, Dr. Culp discounted appellant's belief that his prior employment injuries contributed to the condition and indicated that appellant's diabetic condition was also a factor. The Board notes that, as the record contains no medical evidence which contains a rationalized medical opinion on the causal relationship, if any, between appellant's work duties and his

³ See *Ronald K. White*, 37 ECAB 176, 178 (1985).

⁴ See *Walter D. Morehead*, 31 ECAB 188, 194 (1979).

⁵ See generally *Lloyd C. Wiggs*, 32 ECAB 1023, 1029 (1981).

⁶ *William Nimitz, Jr.*, 30 ECAB 567 (1979).

⁷ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁸ See *William E. Enright*, 31 ECAB 426, 439 (1980).

diagnosed bilateral carpal tunnel syndrome, the medical evidence of record is insufficient to establish causal relationship⁹ and, therefore, insufficient to meet appellant's burden of proof.

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 his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.¹⁰ Causal relationship must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence and the Office therefore properly denied appellant's claim for compensation.

The decision of the Office of Workers' Compensation Programs dated July 17, 2001 is affirmed.

Dated, Washington, DC
July 5, 2002

Alec J. Koromilas
Member

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

⁹ *Lucrecia M. Nielsen*, 41 ECAB 583, 594 (1991).

¹⁰ *Victor J. Woodhams*, 41 ECAB 345, 353-54 (1989).