

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DEBORAH L. BURCH and DEPARTMENT OF THE ARMY,
SALOMON DENTAL CLINIC, Fort Benning, GA

*Docket No. 01-1236; Submitted on the Record;
Issued May 17, 2002*

DECISION and ORDER

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

The issue is whether appellant has met her burden of proof in establishing that she developed bilateral carpal tunnel syndrome due to factors of her federal employment.

On July 27, 2000 appellant, then a 44-year-old dental assistant, filed a notice of traumatic injury alleging that she constantly worked with her hands and they went numb every few seconds. Appellant submitted progress notes from Dr. Andrew P. Harakas, a Board-certified orthopedic surgeon, diagnosing her with bilateral carpal tunnel syndrome. Appellant underwent right carpal tunnel release on July 13, 2000. Appellant also submitted a June 8, 2000 x-ray report which was negative. In addition, appellant submitted factual information, such as her application for federal employment, her resume and job description.

By letter dated October 23, 2000, the Office of Workers' Compensation Programs informed appellant that additional factual and medical information was necessary to decide her claim. Appellant submitted a personal statement, a description of her duties and a copy of the Office's letter. By decision dated January 9, 2001, the Office denied appellant's claim, as the medical evidence was not sufficient to establish that her condition was caused by her employment.

The Board finds that appellant has failed to meet her burden of proof in establishing that she developed bilateral carpal tunnel syndrome due to factors of her 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; (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.

The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.¹

In this case, appellant attributed her bilateral carpal tunnel syndrome to the repetitive movements of her dental assistant position. In support of her claim, appellant submitted progress notes from Dr. Harakas dated June 8 to August 4, 2000, diagnosing her with bilateral carpal tunnel syndrome. Therefore appellant has both established a medical condition and identified the employment factors to which she attributed her condition.

Appellant also submitted an operative report indicating that she underwent right carpal tunnel release on July 13, 2000. The Office notified appellant on October 23, 2000 that she needed to submit additional medical evidence in support of her claim. In response to the Office's request for information, appellant submitted additional factual evidence, including a personal statement and a description of her duties. Appellant did not submit a narrative medical report relating her bilateral carpal tunnel syndrome to factors of her employment. As Dr. Harakas did not provide an opinion on the causal relationship between appellant's diagnosed bilateral carpal tunnel syndrome and her employment factors, appellant has failed to submit the necessary medical evidence to meet her burden of proof and the Office properly denied her claim.

The January 9, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
May 17, 2002

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ *Haydee Martinez*, Docket No. 01-833 (issued October 29, 2001).