

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of MARVA McLENDON and U.S. POSTAL SERVICE,  
PROCESSING & DISTRIBUTION CENTER, Kearny, NJ

*Docket No. 03-183; Submitted on the Record;  
Issued February 27, 2003*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS  
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained carpal tunnel syndrome causally related to her federal employment.

On April 18, 2001 appellant, then a 43-year-old clerk, filed a notice of occupational disease and claim for compensation, alleging that she sustained carpal tunnel syndrome causally related to her federal employment. By letter dated June 29, 2001, the employing establishment indicated that appellant's employment had been terminated in July 2000.

In a decision dated August 23, 2001, the Office of Workers' Compensation Programs denied the claim. By decisions dated March 20 and August 1, 2002, the Office denied modification of its prior decisions.

The Board finds that the case is not in posture for decision.

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.<sup>1</sup> The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.<sup>2</sup>

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<sup>1</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>2</sup> *See Walter D. Morehead*, 31 ECAB 188 (1979).

In this case appellant has submitted sufficient factual and medical evidence to require the Office to further develop the claim. Appellant submitted a statement dated April 11, 2002, discussing repetitive work activities during her federal employment as a letter sorting machine operator, mail processor and distribution clerk. The diagnosis of left carpal tunnel syndrome was provided by Dr. Jay Bowen, an osteopath, who in a report dated May 5, 2000, noted that nerve conduction tests on January 29, 2000 revealed mild to moderate wrist neuropathy.

With respect to causal relationship between the diagnosed condition and repetitive work activities, Dr. Bowen opined in a July 31, 2001 report that the carpal tunnel syndrome developed as a result of appellant's federal employment. In a report dated May 17, 2002, Dr. Bowen noted that appellant had performed repetitive motion at work, as documented by her April 11, 2002 letter. Dr. Bowen stated, "I feel with the above information and the patient's history that her hand symptoms are directly related to her job tasks. She was essentially asymptomatic until performing repetitive tasks for long duration and then began to have hand symptoms that were confirmed with electrodiagnostic testing to be consistent with a clinical diagnosis of carpal tunnel syndrome."

The Board finds that appellant has submitted probative, uncontroverted medical evidence in support of her claim. It is well established that proceedings under the Federal Employees' Compensation Act are not adversarial in nature, and while appellant has the burden of proof to establish her claim, the Office shares responsibility in the development of the evidence.<sup>3</sup> The evidence submitted in this case is sufficient to require the Office to further develop the evidence on the issue presented.<sup>4</sup> After such further development as the Office deems necessary, it should issue an appropriate decision.

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<sup>3</sup> *Shirley A. Temple*, 48 ECAB 404 (1997).

<sup>4</sup> *See Cheryl A. Monnell*, 40 ECAB 545 (1989); *see also Ezra D. Long*, 46 ECAB 791 (1995).

The decisions of the Office of Workers' Compensation Programs dated August 1 and March 20, 2002 are set aside and the case remanded for further action consistent with this decision of the Board.

Dated, Washington, DC  
February 27, 2003

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member