

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CLARA M. CHANEY and DEPARTMENT OF JUSTICE,
IMMIGRATION & NATURALIZATION SERVICE, Houston, TX

*Docket No. 03-106; Submitted on the Record;
Issued June 20, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant has established that she sustained a bilateral carpal tunnel condition in the performance of duty.

Appellant, a 54-year-old investigations assistant, filed a claim for benefits on August 21, 2001, alleging that she developed a bilateral carpal tunnel condition causally related to factors of her employment and that she first became aware of this condition on August 7, 2000.

In an April 19, 2001 electromyographic report, Dr. Athar H. Syed, Board-certified in psychiatry and neurology, stated that appellant presented complaints of pain in both elbows, with discomfort in both hands. He diagnosed bilateral carpal tunnel syndrome, mild to moderate in severity.

Appellant also submitted treatment notes dated February 14 and October 22, 2001 from a plastic surgery clinic.

By letter dated September 27, 2001, the Office of Workers' Compensation Programs requested that appellant submit additional medical evidence, including a comprehensive medical report, in support of her claim. Appellant did not submit any additional medical evidence.

By decision dated December 10, 2001, the Office denied the claim, finding that appellant did not submit medical evidence sufficient to establish that her claimed bilateral carpal tunnel condition was causally related to factors or incidents of employment.

By letter dated January 14, 2002, appellant requested a review of the written record by an Office hearing representative.

Appellant submitted treatment notes dated December 15 and December 27, 2000, February 14 and October 22, 2001 and January 15, 2002 from Dr. Tannique N. Rainford, a

specialist in family practice, which stated findings on examination and reiterated the diagnosis of bilateral carpal tunnel syndrome.

By decision dated July 24, 2002, an Office hearing representative affirmed the December 10, 2001 Office decision.

The Board finds that appellant did not meet her burden of proof to establish that her claimed bilateral carpal tunnel condition was sustained in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged, and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

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 medical evidence required to establish causal relationship is usually rationalized medical 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, 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.⁴

In the present case, the only medical evidence submitted by appellant was the April 19, 2001 electromyographic report from Dr. Syed and the treatment notes from Dr. Rainford and the plastic surgery clinic. Dr. Syed noted that appellant stated that she had been experiencing bilateral elbow pain and bilateral discomfort in both hands for three months and diagnosed mild to moderate bilateral carpal tunnel syndrome. However, Dr. Syed's findings were of a summary

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

nature and did not contain a rationalized medical opinion addressing and explaining why appellant's claimed condition and disability was causally related to employment factors or conditions. The treatment notes from Dr. Rainford and the plastic surgery clinic merely stated the diagnosis of bilateral carpal tunnel syndrome and did not contain any opinion regarding whether the claimed condition was causally related to factors of appellant's employment.

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.⁵ Causal relationship must be established by rationalized medical opinion evidence. The Office advised appellant of the type of evidence required to establish her claim; however, appellant failed to submit such evidence. Dr. Syed's opinion was of limited probative value in that he did not provide adequate medical rationale in support of his conclusions,⁶ nor did he explain the process through which factors of appellant's employment would have been competent to cause the claimed bilateral carpal tunnel condition. Thus, appellant failed to submit sufficient medical evidence to establish that her claimed bilateral carpal tunnel condition was sustained in the performance of duty.

Accordingly, as the record contains no probative, rationalized medical evidence establishing a causal relationship between appellant's claimed condition and factors or incidents of employment, appellant has failed to sustain her burden.

The decisions of the Office of Workers' Compensation Programs dated July 24, 2002 and December 10, 2001 are hereby affirmed.

Dated, Washington, DC
June 20, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

⁵ *See Id.*

⁶ *William C. Thomas*, 45 ECAB 591 (1994).