

**United States Department of Labor  
Employees' Compensation Appeals Board**

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**BETTY S. GRANT, Appellant**

**and**

**DEPARTMENT OF VETERANS AFFAIRS,  
VETERANS ADMINISTRATION MEDICAL  
CENTER, Jackson, MS, Employer**

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**Docket No. 04-579  
Issued: April 21, 2004**

*Appearances:*  
*Betty S. Grant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

ALEC J. KOROMILAS, Chairman  
DAVID S. GERSON, Alternate Member  
WILLIE T.C. THOMAS, Alternate Member

**JURISDICTION**

On December 29, 2003 appellant filed a timely appeal from the Office of Workers' Compensation Programs' decision of October 6, 2003 denying appellant's claim for the reason that the medical evidence did not establish that appellant's injury was causally related to her federal employment. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant sustained an injury in the performance of duty.

**FACTUAL HISTORY**

On August 8, 2003 appellant, then a 54-year-old claims clerk, filed an occupational disease claim alleging that she suffered from carpal tunnel syndrome as a result of repetitive typing on the computer.

By letter dated August 18, 2003, the Office requested that appellant submit further information, including a comprehensive medical report from her treating physician, in support of her claim. In response thereto, appellant submitted a July 17, 2003 report by Dr. Gerald P. Randle, a Board-certified neurologist and the accompanying nerve conduction studies of that date. Dr. Randle noted:

“[Appellant] does have a very mild peripheral neuropathy affecting both upper and lower limbs. Her nerve conduction velocities in the legs are at about 40, but there is also a reduced amplitude of responses. There was no sural response at all. This is very likely related to her diabetes. In her arms she has a very definite carpal tunnel syndrome on the right side, which very likely explains those symptoms.”

Appellant also submitted a letter dated September 12, 2003, wherein she responded to the Office’s queries by describing her work duties, hobbies and the development of the claimed condition.

On September 16, 2003 the employing establishment responded to the Office’s queries by indicating that appellant’s duties included repetitive hand and wrist action and attached a copy of appellant’s job description.

By decision dated October 6, 2003, the Office denied appellant’s claim for compensation for the reason that the medical evidence did not demonstrate that the claimed condition was related to her employment.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> has the burden of establishing 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.<sup>2</sup>

In an occupational disease claim, the claimant must submit: (1) medical evidence establishing the existence of the disease or condition on which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the disease; and (3) medical evidence establishing that the employment factors were the proximate cause of the disease, or stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>3</sup>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989); *see also Melinda C. Epperly*, 45 ECAB 196 (1993).

<sup>3</sup> *Id.*

**ANALYSIS**

In the instant case, the Office properly determined that appellant had not submitted medical evidence sufficient to establish that appellant's condition was causally related to her federal employment. The only medical evidence in the record, the July 17, 2003 report by Dr. Randle and the accompanying studies, indicates that appellant has carpal tunnel syndrome; however, Dr. Randle does not link this carpal tunnel syndrome to appellant's work for the employing establishment. Accordingly, the medical evidence is insufficient to show that appellant's carpal tunnel syndrome was caused by her federal employment and the Office properly denied appellant's claim.<sup>4</sup>

**CONCLUSION**

Under the circumstances as described above, the Board finds that the Office properly denied appellant's claim for compensation.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated October 6, 2003 is affirmed.

Issued: April 21, 2004  
Washington, DC

Alec J. Koromilas  
Chairman

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

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<sup>4</sup> Appellant has submitted new medical evidence on appeal. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *Robert D. Clark*, 48 ECAB 422, 428 (1997). Appellant may submit this evidence to the Office with a request for reconsideration pursuant to 20 C.F.R. § 10.606(b).