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

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| **PATRICIA CROSBY, Appellant** | ) | |
| **and** | ) | **Docket No. 04-1088** |
| | ) | **Issued: August 17, 2004** |
| **U.S. POSTAL SERVICE, POST OFFICE, Raleigh, NC, Employer** | ) | |

*Appearances:*
*Patricia Crosby, pro se*
*Office of Solicitor,* for the Director

*Case Submitted on the Record*

## DECISION AND ORDER

Before:
DAVID S. GERSON, Alternate Member
WILLIE T.C. THOMAS, Alternate Member
MICHAEL E. GROOM, Alternate Member

### ***JURISDICTION***

On March 17, 2004 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated January 23, 2004, finding that she had not established that she sustained an injury 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 has tenosynovitis causally related to her federal employment.

### ***FACTUAL HISTORY***

On December 10, 2003 appellant, then a 47-year-old markup clerk, filed an occupational disease claim alleging that, as a result of continuous keying for approximately seven hours a day, she sustained tenosynovitis in her right index finger.

By letter dated December 18, 2003, the Office requested further information from appellant. She submitted her preemployment medical examination and assessment dated

November 6, 1986, a copy of her application for federal employment and a work analysis form. Appellant also submitted a letter describing the amount of key strokes performed in her position, her visits to the doctor and a statement indicating that she did not participate in any activities outside of employment. She also submitted a duty status report from a physician whose signature is illegible, but who indicated a specialty of family medicine. The physician indicated that appellant sustained right index tenosynovitis as a result of 17 years of continuous data entry activities for 6 to 8 hours a day.

By decision dated January 23, 2004, the Office denied appellant's claim for compensation, as it found that she failed to provide a comprehensive medical report from her treating physician, as requested.

## ***LEGAL PRECEDENT***

An employee seeking benefits under the Federal Employees' Compensation Act[1] 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.[2] These are 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 claimant.[4] The medical evidence required to establish a causal relationship between a claimed period of disability and an employment injury 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 compensable 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

[1] 5 U.S.C. §§ 8101-8193.

[2] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

[3] *Id.*

[4] *Victor J. Woodhams*, 41 ECAB 345 (1989).

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.[5]

## ***ANALYSIS***

In the present case, the medical evidence is insufficient to establish that appellant sustained a medical condition causally related to her federal employment. The Board notes that there is no dispute that appellant's job duties required significant keying. However, she has failed to provide rationalized medical evidence supporting that her job duties resulted in an injury. The only medical evidence of record is a duty status report in which an unidentified physician indicated that appellant had right index tenosynovitis as a result of 17 years of continuous data entry activities for 6 to 8 hours a day. The Board notes that the physician's signature is illegible and accordingly, his or her qualifications cannot be verified. This doctor failed to provide any medical rationale for his stated conclusions or indicate whether any diagnostic tests that were performed or that he had a complete medical and factual background. Accordingly, this report does constitute probative medical opinion evidence. Although appellant indicated that she had other doctor's appointments with regard to her condition, there was no other medical report submitted to the record supporting her claim. Accordingly, she has failed to establish that she sustained tenosynovitis causally related to her federal employment.[6]

## ***CONCLUSION***

As appellant failed to establish that she sustained tenosynovitis causally related to her federal employment, the Office properly denied the claim.

[5] *Id.*

[6] Appellant submitted additional evidence after the Office's decision of January 23, 2004. However, the Board cannot consider such evidence for the first time on appeal. *See* 20 C.F.R. § 501.2(c). Appellant may wish to resubmit such evidence to the Office through the reconsideration process. *See* 5 U.S.C. § 8128; 20 C.F.R. § 10.138.

## ***ORDER***

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 23, 2004 is affirmed.

Issued: August 17, 2004
Washington, DC

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member