

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

---

**DEBORAH D. MOORE, Appellant**

**and**

**U.S. POSTAL SERVICE,  
PROCESSING & DISTRIBUTION CENTER,  
Lexington, KY, Employer**

---

**Docket No. 03-1016  
Issued: January 16, 2004**

*Appearances:*

*Larry D. Ashlock, Esq., for the appellant  
Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

COLLEEN DUFFY KIKO, Member  
DAVID S. GERSON, Alternate Member  
A. PETER KANJORSKI, Alternate Member

**JURISDICTION**

On March 10, 2003 appellant filed a timely appeal from a decision of the Office of Workers' Compensation Programs dated December 4, 2002, which denied appellant's occupational disease claim. Under 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 established that her carpal tunnel syndrome was causally related to factors of her federal employment.

**FACTUAL HISTORY**

On March 16, 2001 appellant, then a 46-year-old distribution clerk, filed an occupational disease claim for carpal tunnel syndrome. She identified January 1, 2001 as the date she first became aware of her employment-related condition. Appellant did not stop work. In a separate statement dated March 19, 2001, she indicated that in

January 2001, she felt a tingling in her right wrist, which entered her thumbs and fingertips and caused numbness. Appellant explained that her work over the past six years required constant use of the hands to sort mail and everyday she performed the same repetitive motions. She also reported that she felt a tingle in her left hand as she dressed for work on March 19, 2001. Additionally, appellant stated that she was a casual employee who worked 6 days a week 46 to 48 hours a week, depending on the work load.

The employing establishment challenged the claim on the basis that appellant worked only on an intermittent basis and because the medical evidence did not establish a causal relationship between appellant's claimed condition and her employment.

By letter dated May 31, 2001, the Office advised appellant that it needed additional information to process her claim.

An April 6, 2001 nerve conduction study and an electromyogram (EMG) test revealed mild right carpal tunnel syndrome.

In a letter dated June 11, 2001, the employing establishment noted appellant's work duties, which included sorting letters and flat mail, pushing containers and lifting trays. Appellant stood for up to three hours a shift and sometimes sat for up to eight hours. She was also required to bend and stoop, lift small parcels over her head and grasp and reach.

On August 17, 2001 the Office denied appellant's claim, finding that she failed to establish that her carpal tunnel syndrome was causally related to her employment. By letter dated September 17, 2001, appellant requested an oral hearing, which was held on February 12, 2002. In a decision dated April 19, 2002, an Office hearing representative affirmed the Office's August 17, 2001 decision.

By letter dated September 12, 2002, appellant, through counsel, requested reconsideration and submitted additional medical evidence. In a report dated June 4, 2002, Dr. Charles G. Grigsby, a Board-certified internist, diagnosed carpal tunnel syndrome. He advised that any long-term repetitive movements such as keyboard typing, using hands or forearms, repeating transferring items from a conveyor belt and repetitive gripping and grasping can cause the condition. Dr. Grigsby added that he was not aware of appellant's specific work performance, but "if it fits the description above, her job may be implicated."

The Office also received an undated report from Dr. Howard S. Lefsky, Board-certified in emergency medicine, who stated that, if appellant did not have symptoms consistent with carpal tunnel syndrome prior to working with the employing establishment, "then it is within the realm of medical probability that her carpal tunnel syndrome was a direct result of her work activity."

By decision dated December 4, 2002, the Office denied modification of the April 19, 2002 decision.

### **LEGAL PRECEDENT**

In an occupational disease claim, in order to establish that an injury was sustained in the performance of duty, 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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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.<sup>1</sup>

### **ANALYSIS**

In this case, the medical evidence consisted of an April 6, 2001 nerve conduction study and an EMG test and reports from Drs. Grigsby and Lefsky. The diagnostic tests, which revealed a mild right carpal tunnel syndrome, did not establish a causal relationship between appellant's condition and her employment. Similarly, Dr. Grigsby's June 4, 2002 report did not specifically attribute appellant's carpal tunnel syndrome to her specific employment duties. He stated that he did not know the specifics of appellant's work performance. The Board has held that medical opinions based upon an incomplete history or which are speculative or equivocal in character have little probative value.<sup>2</sup> Dr. Lefsky's report is also insufficient to satisfy appellant's burden of proof in that he was not aware of the exact onset of appellant's symptoms and he was equivocal in that he stated that it was "within the realm of medical probability" that appellant's condition was a direct result of her employment.

### **CONCLUSION**

The Board finds that appellant failed to establish that her claimed carpal tunnel syndrome was caused by factors of her federal employment.

---

<sup>1</sup> *Solomon Polen*, 51 ECAB 341 (2000).

<sup>2</sup> *Frank Luis Rembisz*, 52 ECAB 147 (2000).

**ORDER**

**IT IS HEREBY ORDERED THAT** the December 4, 2002 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 16, 2004  
Washington, DC

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

A. Peter Kanjorski  
Alternate Member