

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

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**DOROTHY J. TRIER, Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Washington, IL, Employer**

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**Docket No. 05-160  
Issued: April 4, 2005**

*Appearances:*  
*Dorothy J. Trier, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

COLLEEN DUFFY KIKO, Member  
MICHAEL E. GROOM, Alternate Member  
A. PETER KANJORSKI, Alternate Member

**JURISDICTION**

On October 18, 2004 appellant filed a timely appeal from an Office of Workers' Compensation Programs' merit decision dated September 7, 2004 which denied appellant's claim for an occupational disease. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.

**ISSUE**

The issue on appeal is whether appellant has met her burden of proof in establishing that she developed a left carpal tunnel syndrome while in the performance of duty.

**FACTUAL HISTORY**

On June 28, 2004 appellant, then a 61-year-old letter carrier, filed an occupational disease claim alleging that she developed left carpal tunnel syndrome while sorting mail as a letter carrier. Appellant became aware of her condition on November 20, 1996. The employing establishment indicated that appellant continued to have exposure to the conditions alleged to have caused her claimed condition. Appellant did not stop work.

In support of her claim, appellant submitted an electromyogram (EMG) dated May 5, 2004 which revealed severe left median neuropathy at the carpal tunnel. Also submitted was a narrative statement dated June 28, 2004 which noted that in 1959 appellant sustained an injury to her left hand which severed tendons in several fingers. She subsequently experienced numbness and tingling in her left hand which eventually subsided. In 1996 she experienced numbing in her left hand when sorting mail.

The employing establishment controverted the claim, noting that appellant worked one day a week until 2002 when she obtained her own route. The employing establishment advised that appellant's outside activities of refurbishing homes and using a computer contributed to her current condition.

In a letter dated July 13, 2004, the Office advised appellant of the type of factual and medical evidence needed to establish her claim and requested that she submit such evidence, particularly requesting that appellant submit a physician's reasoned opinion addressing the relationship of her claimed condition and specific employment factors.

Appellant came under the treatment of Dr. James R. Williams, a Board-certified orthopedic surgeon, who on July 12, 2004 prepared an attending physician's report. He diagnosed left carpal tunnel syndrome and noted that the cause of the condition was unknown. In a duty status report dated July 19, 2004, the physician released appellant to light duty with a five-pound lifting restriction. In an undated statement appellant indicated that she did not use a computer except to check her bank balance. She further advised that she had performed some renovations on real estate properties she owned; however, she did not believe these tasks caused her carpal tunnel syndrome because she is right handed and the only job that required repetitive work was that of a letter carrier.

In a decision dated September 7, 2004, the Office denied appellant's claim on the grounds that the medical evidence was not sufficient to establish that her condition was caused by her employment duties as required by the Federal Employees' Compensation Act.<sup>1</sup>

### **LEGAL PRECEDENT**

An employee seeking benefits under the Act has the burden of establishing the essential elements of his or his 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 the 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. 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.<sup>2</sup>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Gary J. Watling*, 52 ECAB 357 (2001).

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) 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 generally 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 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.<sup>3</sup>

### ANALYSIS

It is not disputed that appellant's duties as a letter carrier included performing some repetitive activities using her arms. The Board finds, however, that she has not submitted sufficient medical evidence to establish that employment factors caused or aggravated her diagnosed left carpal tunnel syndrome.

On July 13, 2004 the Office advised appellant of the medical evidence needed to establish her claim. Appellant did not submit any medical report from an attending physician addressing how specific employment factors may have caused or aggravated her claimed condition. The only report submitted was an attending physician's report from Dr. Williams dated July 12, 2004 which diagnosed left carpal tunnel syndrome. However, the doctor neither noted a history of the injury nor addressed the employment factors believed to have caused or contributed to appellant's condition.<sup>4</sup> He failed to provide a rationalized opinion regarding the causal relationship between appellant's condition and the factors of employment believed to have caused or contributed to such condition.<sup>5</sup> Rather, Dr. Williams opined in his report that the cause of appellant's condition was "unknown." Therefore, this report is insufficient to meet appellant's burden of proof.

The remainder of the medical evidence, including a duty status report and return to work slip, fail to provide an opinion on the causal relationship between appellant's job and her diagnosed condition of left carpal tunnel syndrome. For this reason, this evidence is not sufficient to meet appellant's burden of proof.

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<sup>3</sup> *Solomon Polen*, 51 ECAB 341 (2000).

<sup>4</sup> *Frank Luis Rembisz*, 52 ECAB 147 (2000) (medical opinions based on an incomplete history have little probative value).

<sup>5</sup> *See Jimmie H. Duckett*, 52 ECAB 332 (2001); *Franklin D. Haislah*, 52 ECAB 457 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value).

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 his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.<sup>6</sup> Causal relationships must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence, and the Office therefore properly denied appellant's claim for compensation.

**CONCLUSION**

The Board therefore finds that, as none of the medical reports provided an opinion that appellant developed an employment-related injury in the performance of duty, appellant failed to meet her burden of proof.

**ORDER**

**IT IS HEREBY ORDERED THAT** the September 7, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 4, 2005  
Washington, DC

Colleen Duffy Kiko  
Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>6</sup> See *Dennis M. Mascarenas*, 49 ECAB 215 (1997).