

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

LINDA F. SHORTER, Appellant)

and)

DEPARTMENT OF HEALTH & HUMAN)
SERVICES, SOCIAL SECURITY)
ADMINISTRATION, Dallas, TX, Employer)

**Docket No. 05-1847
Issued: December 12, 2005**

Appearances:
Linda F. Shorter, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

DAVID S. GERSON, Judge
WILLIE T.C. THOMAS, Alternate Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On September 8, 2005 appellant filed a timely appeal of a March 17, 2005 merit decision of the Office of Workers' Compensation Programs. 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 established an aggravation of carpal tunnel syndrome causally related to her federal employment.

FACTUAL HISTORY

On December 21, 2000 appellant, then a 34-year-old legal clerk, filed an occupational disease claim (Form CA-2). Appellant stated that she had been diagnosed with carpal tunnel

syndrome,¹ and on December 20, 2000 she had aggravated her condition by photocopying files. In a narrative statement, appellant indicated that on December 20, 2000 she had to copy 10 cases that were due that day; she also noted that she had additional cases to copy on subsequent days. By decision dated April 16, 2001, the Office denied the claim for compensation, finding that the medical evidence was insufficient to meet appellant's burden of proof.

In an undated letter received by the Office on September 19, 2003, appellant requested reconsideration and stated that she had never received the April 16, 2001 decision. Appellant submitted an October 23, 2003 report from Dr. Ronnie Shade, an orthopedic surgeon, who reported that appellant had "stated that she sustained injury on the job on [December 20, 2000]." He stated that appellant worked for three and a half years with the Department of Labor as a claims examiner and her duties included typing, telephone calling and assisting with claims. Dr. Shade diagnosed bilateral carpal tunnel syndrome and bilateral wrist tendinitis. He further stated, "the mechanism of injury is causally related to the jobs that the patient performed. It is felt that the injury she sustained is causally related to the symptoms in her bilateral wrist/hands. Again, it is my strong opinion that the injury, which the patient has sustained to the bilateral wrist/hands, is causally related to her injury on [December 20, 2000]."

In a decision dated November 6, 2003, the Office denied the claim for compensation on the grounds that the medical evidence did not establish causal relationship with employment. The Office advised appellant that if she was claiming an injury due to job duties as a claims examiner she should file an appropriate new claim.

Appellant requested reconsideration and submitted a November 19, 2003 report from Dr. Shade, who noted that she was employed with the Social Security Administration for eight years and her assigned duties included typing, writing letters and photocopying. Dr. Shade stated that transcribing all day caused repetitive trauma to appellant's wrist and arms. He repeated the opinion quoted above in the October 23, 2003 report.

In a decision dated November 11, 2004, the Office denied modification of the November 6, 2003 decision. The Office noted that the medical evidence provided objective findings to support a definite diagnosis. Appellant requested reconsideration and submitted a November 7, 2004 report from Dr. R. Frank Morrison, who provided results of electromyogram (EMG) and nerve conduction studies and diagnosed bilateral carpal tunnel syndrome.

By decision dated March 17, 2005, the Office reviewed the claim on its merits and determined that the medical evidence did not establish causal relationship between a medical condition and photocopying duties.²

¹ The record indicates that appellant filed an occupational claim on March 16, 1994 for carpal tunnel syndrome (OWCP File No. 160240320). Appellant also filed a recurrence of disability on July 27, 2000. The evidence from file number 160240320 submitted to the Board does not include any Office decisions.

² Although the Office stated that fact of injury was established, it is clear from the decision that the Office did not accept an injury causally related to federal employment.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees' Compensation Act³ has the burden of establishing the essential elements of her claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.⁴

To establish that an injury was sustained in the performance of duty, a claimant must submit: (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.⁵

ANALYSIS

In this case, appellant submitted a claim for compensation alleging that photocopying on and around December 20, 2000 resulted in an aggravation of her carpal tunnel condition. The Office accepted that appellant engaged in photocopying activity. As noted above, to establish her claim, appellant must submit medical evidence establishing that a diagnosed condition is causally related to the identified factors. In this case, the medical evidence is not sufficient to establish the claim.

Dr. Shade submitted a medical report dated October 23, 2003 stating that appellant reported an injury on December 20, 2000, without providing further detail or explanation. In addition, he discussed a claims examiner job for the prior three and one half years. In a November 19, 2003 report, he described job duties as a hearing clerk for eight years. Dr. Shade does not provide a clear and consistent factual and medical history in his reports. If appellant is claiming an injury based on job duties over an extended period, she must provide a work history that clearly identifies the duties performed and the period of time those duties were performed, and the medical evidence must contain a complete and accurate history.

The medical evidence of record does not provide a history of the photocopying incidents on and around December 20, 2000, or a reasoned medical opinion on causal relationship between

³ 5 U.S.C. §§ 8101-8193.

⁴ 20 C.F.R. § 10.115(e), (f) (2005); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996). Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence. See *Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors. *Id.*

⁵ *Victor J. Woodhams*, *supra* note 2.

a diagnosed condition and such employment factors. Appellant did not meet her burden of proof and the Office properly denied the claim in this case.

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish a bilateral arm condition causally related to the identified employment factors.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated March 17, 2005 is affirmed.

Issued: December 12, 2005
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Willie T.C. Thomas, Alternate Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board