



Accompanying the claim, the employing establishment submitted a statement from Pasquale Guerrien, a human resources specialist, and Walter DeBerry, a manager, and a copy of a limited-duty assignment form. The employing establishment alleged that appellant was on limited duty since June 4, 1999 and returned to full duty on September 27, 2003 and that appellant filed the claim because she was reassigned to another work location.

The Office received several illegible reports from Manhattan Medical and a note from Dr. Areta D. Podhorodecki, Board-certified in physical medicine and rehabilitation, in which she diagnosed carpal tunnel syndrome which was moderate on the right and mild on the left and a partially illegible report indicating a surgical procedure of right carpal tunnel was performed.

In a letter dated February 3, 2004, the Office advised appellant that the evidence submitted was insufficient to establish her claim. The Office requested that she submit additional supportive factual and medical evidence.

In response, the Office received a statement from appellant in which she described the circumstances surrounding her injury, a light-duty justification form and a November 6, 2003 report from Dr. Podhorodecki noting the results of an electroneuromyographic (EMG) study. Dr. Podhorodecki diagnosed severe right carpal tunnel syndrome.

By decision dated July 28, 2004, the Office denied appellant's claim. The Office accepted that the duties of appellant's position included pushing, loading and unloading hampers, postcon and bags of mail from a truck a couple of times a day, as well as lifting trays of letters, magazines and bundles and bags. However, the Office noted that the medical evidence failed to establish that the employment activities contributed to her condition.

### **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> 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>3</sup>

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

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

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, generally, 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 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>4</sup>

### ANALYSIS

It is not disputed that appellant has right carpal tunnel syndrome or that she performed the duties that she enumerated in her claim. However, appellant has submitted insufficient medical evidence to establish that her carpal tunnel syndrome was caused or aggravated by specific factors of her federal employment.

Although the medical evidence indicates that appellant had severe right carpal tunnel syndrome, it failed to provide a discussion of how factors of appellant's employment would have caused or contributed to her medical condition. The reports from Dr. Podhorodecki do not provide a reasoned medical opinion that appellant's condition was caused or aggravated by her work duties. The Office informed appellant of the deficiencies in the medical evidence and what was needed to establish her claim in a letter dated February 3, 2004. While appellant submitted a light-duty report and Dr. Podhorodecki's EMG report regarding her carpal tunnel syndrome, she did not submit a medical report from her physician that explained how specific duties of her federal employment caused or contributed to her diagnosed condition.

The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.<sup>5</sup> Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>6</sup> Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

As there is no probative, rationalized medical evidence addressing and explaining why appellant's medical condition was caused and/or aggravated by factors of her employment, appellant has not met her burden of proof in establishing that she sustained a medical condition in the performance of duty causally related to factors of employment.

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<sup>4</sup> *Id.*

<sup>5</sup> *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

<sup>6</sup> *Id.*

**CONCLUSION**

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated July 28, 2004 is hereby affirmed.

Issued: February 9, 2005  
Washington, DC

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member