United States Department of Labor
Employees' Compensation Appeals Board

DEBRA L. PAULLIN, Appellant	)	
and	)	**Docket No. 06-23**
	)	**Issued: February 10, 2006**
U.S. POSTAL SERVICE, POST OFFICE, Des Moines, IA, Employer	)	

Appearances:
Debra L. Paullin, pro se
Office of the Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On October 3, 2005 appellant filed a timely appeal from an Office of Workers' Compensation Programs' July 27, 2005 merit decision. 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 has met her burden of proof in establishing that her claimed bilateral carpal tunnel condition was sustained in the performance of duty.

FACTUAL HISTORY

On May 26, 2005 appellant, a 50-year-old distribution clerk, filed a Form CA-2 claim for benefits, alleging that she developed a bilateral carpal tunnel condition caused by factors of her employment.

By letter dated June 16, 2005, the Office advised appellant that it required additional factual and medical evidence to determine whether she was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from her treating physician

describing her symptoms and the medical reasons for her condition, and an opinion as to whether her claimed condition was causally related to her federal employment. The Office requested that appellant submit the additional evidence within 30 days.

In support of her claim, appellant submitted: (a) disability slips and treatment notes from 1985, 1986 and 2001; and (b) June 8 and July 6, 2005 reports from Dr. Scott M. Shumway, a Board-certified surgeon, who diagnosed mild bilateral carpal tunnel syndrome and stated findings on examination. On July 6, 2005 he stated:

> "It will ... be important for her to avoid reexacerbating the arthritis at the base of the thumbs by avoiding activities that have exacerbated her symptoms. She has worked for the post office for approximately 31 years. Her activities include very repetitive job duties, including working on letter sorting machines and repetitive grasping and lifting of mail working in the [employing establishment]. She has also worked on the flat sorting machines in which she would sit and key mail for 8 [to] 12 hours a day using her fingers in a repetitive fashion, lifting one flat at a time and working on a keyboard. For the past four years she has been working on the flat sorting machine 100's and has been performing repetitive lifting of flats and cutting of straps. This is very repetitive and performed at a fast rate of pace. Given these repetitive work activities, as well as the repetition in combination with force, could certainly have contributed to or exacerbated ... her symptoms of carpal tunnel syndrome....

By decision dated July 27, 2005, the Office denied appellant's claim, finding that appellant failed to submit medical evidence sufficient to establish that she sustained the claimed bilateral carpal tunnel condition in the performance of duty.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of establishing that 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 the 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

[1] 5 U.S.C. §§ 8101-8193.

[2] *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

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 usually rationalized medical 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.[4]

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her claimed bilateral carpal tunnel condition and her federal employment. This burden includes providing medical evidence from a physician who concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.[5]

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.[6]

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 her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship. Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence.

ANALYSIS

The Board finds that appellant has failed to submit sufficient medical evidence to establish that her claimed bilateral carpal tunnel condition is causally related to factors of her employment. For this reason, she has not discharged her burden of proof to establish her claim that this condition was sustained in the performance of duty.

Appellant submitted reports from Dr. Shumway, but they failed to provide a probative, rationalized medical opinion that the claimed bilateral carpal tunnel condition was causally related to employment factors. Dr. Shumway diagnosed bilateral carpal tunnel syndrome and stated that her repetitive work activities, such as working on letter sorting machines, repetitive grasping and lifting of mail, keying mail for 8 to 12 hours a day with her fingers, working on a

[4] *Id.*

[5] *See Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

[6] *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

keyboard, repetitive lifting of flats and cutting of straps in combination with force could certainly have contributed to or exacerbated her symptoms of carpal tunnel syndrome. Although Dr. Shumway diagnosed carpal tunnel syndrome caused by employment factors, he failed to provide a sufficient explanation for reaching this stated conclusion. Dr. Shumway failed to submit reports which sufficiently described the medical process through which appellant's employment would have been competent to cause or aggravate the claimed carpal tunnel condition. His opinion on causal relationship is of limited probative value in that he did not provide adequate medical rationale in support of his conclusions.[7] The July 6, 2005 report of Dr. Shumway is generalized in nature and equivocal in that he summarily noted that appellant's repetitive work activities could have contributed to or exacerbated her symptoms of carpal tunnel syndrome. This opinion is equivocal in that he stated that the noted work "could" have contributed to her diagnosed condition. The Office properly found that appellant did not sustain a bilateral carpal tunnel condition in the performance of duty.

The Office advised appellant of the evidence required to establish her claim; however, appellant failed to submit such evidence. Consequently, appellant has not met her burden of proof in establishing that her claimed carpal tunnel condition was causally related to her employment. The Board will affirm the Office's July 27, 2005 decision.

CONCLUSION

The Board finds that appellant has failed to meet his burden of proof to establish that her claimed bilateral carpal tunnel condition was sustained in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the July 27, 2005 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: February 10, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

[7] *William C. Thomas*, 45 ECAB 591 (1994).