

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

TANYA A. PRSHEWLOZKY, Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
West Sacramento, CA, Employer**

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**Docket No. 06-863
Issued: July 3, 2006**

Appearances:
Tanya A. Prshewlozky, pro se
Miriam D. Ozur, Esq., for the Director

Oral Argument June 13, 2006

DECISION AND ORDER

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

JURISDICTION

On March 1, 2006 appellant filed a timely appeal of a March 2, 2005 merit decision of the Office the 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 a left upper extremity condition causally related to her federal employment.

FACTUAL HISTORY

On January 22, 2004 appellant filed an occupational claim (Form CA-2) alleging that she sustained injury as a result of her federal employment. The claim form indicated that appellant had a right hand crush injury in 1998 and now had a floating tendon.¹ Appellant also noted that her left hand was getting weaker. In a January 28, 2004 letter, an employing establishment supervisor indicated that appellant had not worked since April 30, 2003.

¹ Appellant has a number of claims regarding the right upper extremity that are not at issue on this appeal.

In a report dated October 8, 2003, Dr. Rosalind Hsia, a neurologist, provided a history of a February 2, 1998 right hand injury. Dr. Hsia reported that appellant's left hand had certain symptoms "which mirror some of those of her right hand, but to a far lesser extent. These mirror symptoms occur very commonly and therefore should also be considered directly caused by her industrial injury."

By decision dated March 23, 2004, the Office denied appellant's claim for compensation. The Office found that appellant had not establish an injury causally related to her federal employment.

Appellant requested reconsideration and submitted additional evidence. In a report dated May 5, 2004, Dr. John Ellis, a family practitioner, provided a history that appellant reinjured her right hand on July 31, 2000 and worked light duty with reliance of her left arm. Dr. Ellis diagnosed muscle tendon unit strain of the left trapezius and levator area, left upper extremity pain and left forearm strain. He stated that appellant had to rely on her left arm because of right arm injuries and appellant "has over used the left upper extremity causing the patient's current complaints. It is my opinion the patient's left upper back and left upper extremity complaints are directly and causally related to the patient's job duties and employment with [the employing establishment]."

By decision dated March 2, 2005, the Office denied modification, finding that appellant had not established a left upper extremity condition causally related to her federal employment.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of 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 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, a claimant must submit: a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁴

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Delores C. Ellyett*, 41 ECAB 992, 998-99 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-27 (1990).

⁴ *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁵ 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.⁶ 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.⁷

ANALYSIS

On appeal, appellant's primary concern appeared to be with her right upper extremity condition. The issue before the Board on this appeal, however, is limited to the left upper extremity. To the extent that appellant is claiming that using her left arm to perform light duty caused a left arm condition, the evidence is not sufficient to meet her burden of proof. Dr. Hsia noted that appellant had some left arm symptoms, without providing a diagnosis and a reasoned medical opinion on causal relationship. Dr. Ellis did provide left upper extremity diagnoses and an opinion on causal relationship with job duties, but he did not provide adequate detail and medical reasoning. For example, the record indicated that appellant had not worked since April 2003. Dr. Ellis did not clearly explain in his May 5, 2004 report how specific job duties performed prior to the work stoppage contributed to a diagnosed left arm condition.

It is appellant's burden of proof to submit the evidence necessary to establish her claim. In the absence of reasoned medical evidence, the Board finds that appellant did not meet her burden of proof in this case.

CONCLUSION

Appellant did not submit evidence establishing a left upper extremity injury causally related to her federal employment.

⁵ See *Robert G. Morris*, 48 ECAB 238 (1996).

⁶ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁷ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated March 2, 2005 is affirmed.

Issued: July 3, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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