



result of her federal employment in Office File No. 062151634.<sup>1</sup> She became aware of the disease or illness on April 19, 2005. In statements accompanying the claim, appellant indicated that she worked 8 hours a day, 40 hours a week in an office setting typing, writing, using telephone and reviewing documents. Although less typing was required in her current position, her pain increased with continued movement of her hands and wrists. Appellant began experiencing pain in her arms, wrists and hands in April 2005. On the claim form the employing establishment indicated that this claim was for a recurrence of a previous condition. The employing establishment noted that appellant's assignment and duties had not changed, that no medical evidence was submitted in order to establish the need for a change in duties or assignment and that she was not subjected to excessive typing or writing.

Appellant submitted medical reports and documents pertaining to her prior claim. In patient progress notes dated April 29 and June 23, 2005, an individual with the Center for Arthritis and Osteoporosis whose signature is illegible, indicated that she was treated for right wrist tendinitis and right medial epicondylitis on these dates. She submitted an appointment slip with Dr. Daksha P. Mehta, a Board-certified internist, for April 29, 2005. Appellant also submitted the results of blood work obtained on April 29, 2005.

By letter dated November 3, 2005, the Office requested that appellant submit further information. In response, she submitted a November 16, 2005 statement noting that her condition had not ceased since the original date of injury on August 10, 1999. Appellant indicated that, although her case was "closed out," she continued to receive blood work every six months and was on Naproxen for inflammation, both directly related to her injury. She noted that her job required her to use her hands and wrists approximately 70 percent of the day.

The employing establishment submitted a statement from Julie A. Snyder, a supervisory paralegal specialist, dated November 28, 2005. She disagreed with appellant's allegations, stating that her job only required appellant to use her hands and wrists 30 to 40 percent of the day. Ms. Snyder noted that she duplicated her efforts much of the time which could result in her statement concerning a higher percentage. She contended that appellant had not received a new injury while at work but her symptoms may have flared up since her employment in her current office which began in February 2005.

By decision dated January 13, 2006, the Office denied appellant's claim, finding that the medical evidence did not demonstrate that her upper extremity condition was related to the established work events.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> has the burden of establishing the essential elements of 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

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<sup>1</sup> On May 4, 2001 the Office accepted appellant's claim for an injury of August 10, 1999 for exacerbation of bilateral arthritis of the elbows; Office File No. 062033200. Appropriate benefits were paid.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

within the applicable time limitation period, 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 is causally related to the employment injury.<sup>3</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>4</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 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 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>5</sup>

### ANALYSIS

Appellant has submitted no medical evidence that establishes that her medical condition was caused or aggravated by her federal employment. Most medical evidence of record pertains to her prior claim in Office File No. 062033200, in which the Office accepted exacerbation of bilateral arthritis of the elbow. The evidence does not address appellant's current medical condition or how her condition on or after April 19, 1995 was caused or contributed to by her employment duties. The only evidence submitted, after April 19, 2005, the date appellant noted increased difficulty are blood tests and progress notes which fail to address the causation of her condition. The Board finds that as the April 29 and June 23, 2005 progress notes contained an illegible signature, they do not constitute competent medical evidence as the preparer of the notes is not readily identifiable.<sup>6</sup> An award of compensation may not be based on surmise, conjecture or speculation or upon appellant's belief that there is a causal relationship between her condition and her employment.<sup>7</sup> Accordingly, the Office properly denied her claim as there was no medical evidence to support causal relationship.

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<sup>3</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *Victor D. Woodhams*, 41 ECAB 345 (1989).

<sup>5</sup> *Roy L. Humphrey*, 57 ECAB \_\_\_\_ (Docket No. 05-1928, issued November 23, 2005).

<sup>6</sup> *See Merton J. Sills*, 39 ECAB 572 (1988).

<sup>7</sup> *Manuel Gill*, 52 ECAB 282, 287 (2001).

**CONCLUSION**

The Board finds that appellant has established that she sustained an injury while in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 13, 2006 is affirmed.

Issued: July 24, 2006  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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