

By letter dated November 16, 2005, the Office advised appellant regarding the evidence he needed to submit to support his claim.

In a report dated October 4, 2005, Dr. William D. Caffrey, an attending Board-certified orthopedic surgeon, noted a familiarity with appellant's history of injury, including previous right carpal tunnel release. He noted a positive Tinel's sign and Phalen's test. Dr. Caffrey described appellant's work requirements as a longtime mail handler of "pushing forward, repetitive grasping, thousands of times a day, including opening sacks of mail." He stated that he could "infer" that the condition was causally related to appellant's employment.

On October 7, 2005 Dr. Caffrey performed a right carpal tunnel release and a synovectomy. In reports dated October 11 and November 3, 2005, he stated that appellant was doing well after surgery and would be released to return to restricted duty with a lifting restriction of 10 pounds. In a report dated December 1, 2005, Dr. Caffrey limited him to lifting no more than five pounds and returned appellant to work effective December 2, 2005.

In a narrative received by the Office on December 9, 2005, appellant stated that his duties included pulling over-the-counter containers with mail more than 200 or more times in an 8-hour shift, 2 times a week, that he opened mail sacks up to 400 times in an 8-hour shift, also 2 a week and that he was required to lift boxes up to 70 pounds or more on a daily basis.

In a letter dated November 9, 2005 and received by the Office on December 16, 2005, the employing establishment stated that appellant was required to unload no more than 200 to 400 sacks of mail at a time as contrasted with his assertion that he unloaded over a thousand sacks of mail a day. The employing establishment stated that the process of unloading mail usually took no more than two to four hours a tour and that appellant would perform this work no more than twice a week. Based on his seniority, the employing establishment assigned him driving duties one to two days a week and that, on other days, he either fed or removed containers into a mechanical dumper or sorted mail that could not be sorted by machine.¹

By decision dated December 20, 2005, the Office denied appellant's claim, finding that the medical evidence failed to establish that his condition was causally related to his work duties.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act² 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.³ These are the essential

¹ The employing establishment also stated in an undated report, that letter volume could be as low as 75 to 100 sacks of mail.

² 5 U.S.C. §§ 8101-8193.

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

elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

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 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.⁵

ANALYSIS

Appellant attributes his carpal tunnel syndrome to his duties as a mail handler which he stated consisted of pulling and pushing mail containers and pulling plastic sacks overhead. The employing establishment stated that he unloaded and sorted up to 200 to 400 sacks over a 2- to 4-hour time frame and that he performed these duties no more than twice a week. The Board finds that the evidence establishes that appellant performed such duties. The evidence also establishes that Dr. Caffrey diagnosed appellant with right carpal tunnel syndrome for which surgery was performed on October 7, 2005.

The question is whether the medical evidence establishes that these duties caused appellant's diagnosed carpal tunnel syndrome. In an October 4, 2005 report, Dr. Caffrey stated that, based on appellant's work history, including pushing forward and repetitive grasping of mail sacks thousands of times a day, he could "infer" that appellant's carpal tunnel syndrome was causally related to his employment. However, his report does not include an accurate description of appellant's duties, as the employing establishment noted that his assignment was to unload no more than 200 to 400 sacks of mail no more than 1 day a week. This assignment of work does not establish a basis for extrapolating to appellant's alleged work requirement of grasping mail sacks thousands of times a day. Because of this, Dr. Caffrey's report is based on an incorrect history and thus, is of limited probative value.⁶

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ *Id.*

⁶ See *Vernon R. Stewart*, 5 ECAB 276, 280 (1953) (where the Board held that medical opinions based on histories that do not adequately reflect the basic facts are of little probative value in establishing a claim).

Moreover, Dr. Caffrey did not explain how pushing forward, grasping and opening sacks of mail would cause or contribute to the diagnosed carpal tunnel syndrome. He could only “infer” that the condition was causally related to appellant’s employment but did not explain the medical reasoning giving rise to this inference. At best, this statement on causal relationship is speculative and equivocal in character, rendering it of diminished probative value.⁷ As Dr. Caffrey did not provide a rationalized medical opinion addressing the issue of whether the diagnosed condition was due to appellant’s employment, his opinion is insufficient to meet appellant’s burden of proof.⁸ Further, Dr. Caffrey’s October 7, 11, November 3 and December 1, 2005 reports fail to address the issue of causal relationship and thus, are likewise of no probative value in establishing appellant’s claim.⁹

An award of compensation may not be based on surmise, conjectures, speculation or upon appellant’s own belief that there is a causal relationship between his claimed condition and his employment.¹⁰ To establish causal relationship he must submit a physician’s report, in which the physician reviews those factors of employment identified by appellant as causing his condition and, taking these factors into consideration as well as findings upon examination and the medical history, explain how employment factors caused or aggravated any diagnosed condition and present medical rationale in support of his or her opinion.¹¹ Appellant failed to submit such evidence and, therefore, failed to discharge his burden of proof.

CONCLUSION

The Board finds that appellant has not established that he sustained carpal tunnel syndrome causally related to factors of his federal employment.¹²

⁷ See *Vaheh Mokhtarians*, 51 ECAB 190 (1999).

⁸ *Michael E. Smith*, 50 ECAB 313 (1999).

⁹ *Id.*

¹⁰ *Patricia J. Glenn*, 53 ECAB 159 (2001).

¹¹ *Robert Broome*, 55 ECAB ____ (Docket No. 04-93, issued February 23, 2004).

¹² On appeal, appellant submitted new medical evidence. However, the Board may not consider new evidence on appeal. The Board’s regulations specify that the Board’s review of a case shall be limited to the evidence in the case record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 20, 2005 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