United States Department of Labor
Employees' Compensation Appeals Board

JAMES R. MOLNAR, Appellant	)	
and	)	**Docket No. 06-527**
	)	**Issued: May 8, 2006**
U.S. POSTAL SERVICE, POST OFFICE, Akron, OH, Employer	)	

Appearances:
James R. Molnar, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On January 6, 2006 appellant filed a timely appeal from a merit decision of the Office of Workers' Compensation Programs dated October 13, 2005 denying his occupational disease claim. 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 that he sustained carpal tunnel syndrome causally related to factors of his federal employment.

FACTUAL HISTORY

On July 8, 2005 appellant, then a 52-year-old mail handler, filed an occupational disease claim alleging that he sustained carpal tunnel syndrome due to factors of his federal employment. He attributed his condition to throwing parcels into hampers. Appellant stopped work on June 21, 2005 and returned to work on June 23, 2005.

In a disability certificate dated June 21, 2005, Dr. David Mallamaci, an attending physician who is Board-certified in family practice, noted findings of right arm pain and injury. He opined that appellant should remain off work for two days and work light duty for five days.

In a report dated July 7, 2005, Dr. Mallamaci related:

> "[Appellant] recently came in on June 21, 2005 with right arm pain, numbness and tingling to his fingers, with pain going towards his shoulder, forearm and elbow. He had related this onset of pain and numbness and tingling to having a heavy workload a few days prior to that where he did lots of repetitive motions of throwing parcels into bins on the Saturday before the injury."

He found that appellant's right arm pain was due to "carpal tunnel syndrome that was being aggravated."

By letter dated July 28, 2005, the Office requested further factual and medical information from appellant, including a comprehensive medical report addressing the cause of any diagnosed condition and its relationship to his employment. The Office informed him that Dr. Mallamaci's July 7, 2005 report was insufficient to establish his claim as he failed to render an independent finding regarding causation.

In a form report dated September 9, 2005, Dr. John Biondi, a Board-certified orthopedic surgeon, listed the history of injury as "hand numbness [and] tingling on a daily basis [for] several years." He diagnosed carpal tunnel syndrome based on a "previous nerve test" and found that appellant could perform his usual employment. Dr. Biondi did not respond to the question on the form regarding whether the diagnosed condition was caused or aggravated by the described employment activity. In a duty status report of the same date, he found that appellant had no work restrictions.

By decision dated October 13, 2005, the Office denied appellant's claim on the grounds that the evidence was insufficient to establish that he sustained carpal tunnel syndrome due to the established work-related events.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act[1] 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 filed within the applicable time limitation; that an injury was sustained while 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

[1] 5 U.S.C. §§ 8101-8193.

[2] *Tracey P. Spillane*, 54 ECAB 608 (2003); *Elaine Pendleton*, 40 ECAB 1143 (1989).

elements of each and every compensation claim regardless of whether the claim is predicated on 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;[4] (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;[5] and (3) medical evidence establishing 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.[6]

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.[7] The opinion of the physician must be based on a complete factual and medical background of the claimant,[8] must be one of reasonable medical certainty[9] explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.[10]

ANALYSIS

Appellant attributed his carpal tunnel syndrome to throwing parcels of mail while working as a mail handler for the employing establishment. The Office accepted the occurrence of the claimed employment factor. The issue, therefore, is whether the medical evidence establishes a causal relationship between his carpal tunnel syndrome and the identified employment factor.

In a disability certificate dated June 21, 2005, Dr. Mallamaci diagnosed right arm pain and injury and found that appellant was unable to work for two days and should work light duty for five days. He did not, however, address the cause of appellant's condition. The Board has

[3] *See Irene St. John*, 50 ECAB 521 (1999); *Elaine Pendleton*, *supra* note 2.

[4] *Solomon Polen*, 51 ECAB 341 (2000).

[5] *Marlon Vera*, 54 ECAB 834 (2003); *Roger Williams*, 52 ECAB 468 (2001).

[6] *Ernest St. Pierre*, 51 ECAB 623 (2000).

[7] *Conrad Hightower*, 54 ECAB 796 (2003); *Leslie C. Moore*, 52 ECAB 132 (2000).

[8] *Tomas Martinez*, 54 ECAB 623 (2003); *Gary J. Watling*, 52 ECAB 278 (2001).

[9] *John W. Montoya*, 54 ECAB 306 (2003).

[10] *Judy C. Rogers*, 54 ECAB 693 (2003).

held that medical evidence which does not offer any opinion on the cause of an employee's condition is of little probative value.[11]

In a report dated July 7, 2005, Dr. Mallamaci related that he treated appellant on June 21, 2005 for pain, numbness and tingling in his right arm. He stated that appellant "related this onset of pain and numbness and tingling to having a heavy workload a few days prior to that where he did lots of repetitive motions of throwing parcels into bins on the Saturday before the injury." Dr. Mallamaci diagnosed an aggravation of carpal tunnel syndrome. He did not, however, specifically relate the diagnosed condition to appellant's employment injury. Instead, Dr. Mallamaci merely described appellant's history of an onset of pain after heavy work. A physician's report is of little probative value when it is based on a claimant's belief regarding causal relationship rather than a doctor's independent judgment.[12]

In a form report dated September 9, 2005, Dr. Biondi listed the history of injury as "hand numbness [and] tingling on a daily basis [for] several years." He diagnosed carpal tunnel syndrome and found that appellant could perform his usual employment. Dr. Biondi did not respond to the question on the form regarding whether the diagnosed condition was caused or aggravated by the described employment activity.[13] In a duty status report of the same date, he diagnosed carpal tunnel syndrome and found that appellant had no work restrictions. As Dr. Biondi did not address the issue of whether the diagnosed condition was due to his employment in either form report, his opinion is insufficient to meet appellant's burden of proof.[14]

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.[15] To establish causal relationship, appellant must submit a physician's report in which the physician reviews those factors of employment identified by him 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.[16] 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.

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[11] *Michael E. Smith*, 50 ECAB 313 (1999).

[12] *Earl David Seal*, 49 ECAB 152 (1997).

[13] In a duty status report of the same date, Dr. Biondi found that appellant could perform his usual employment.

[14] *See Michael E. Smith*, *supra* note 11.

[15] *Patricia J. Glenn*, 53 ECAB 159 (2001).

[16] *Robert Broome*, 55 ECAB ___ (Docket No. 04-93, issued February 23, 2004).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 13, 2005 is affirmed.

Issued: May 8, 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