

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

E.B., Appellant)
and) Docket No. 06-1610
DEPARTMENT OF THE TREASURY,) Issued: November 27, 2006
BUREAU OF THE PUBLIC DEBT,)
San Francisco, CA, Employer)

)

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

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

JURISDICTION

On July 3, 2006 appellant filed a timely appeal of a June 20, 2006 merit decision of the Office the Workers' Compensation Programs. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3(d)(2), the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has established a hand condition causally related to his federal employment.

FACTUAL HISTORY

On January 14, 2006 appellant, then a 57-year-old former district director, filed an occupational claim (Form CA-2) alleging that he sustained bilateral osteoarthritis of the hands as a result of his federal employment.¹ Appellant stated that his job duties over the past 28 years

¹ Appellant also has a claim for a cardiac condition (OWCP File No. 092069428) that is before the Board in appeal No. 06-1611.

had aggravated his condition. The claim form indicated that appellant retired from federal employment in September 2003. The record indicates that appellant had a prior claim for a right hand injury on February 27, 1996, which was accepted for a right small finger contusion.

Appellant submitted reports from Dr. Michael Treister, an orthopedic surgeon, with respect to a knee condition. In a report dated November 23, 2004, Dr. Treister noted that appellant had experienced pain in both hands for several years, with a recent flare-up. He indicated that appellant had a prior injury approximately 15 years ago and had been doing computer work until 6 or 7 months ago. Dr. Treister stated that the subjective complaints and sensory changes probably represented early diabetic neuropathy. An x-ray report dated May 19, 2005 revealed mild degenerative changes at the distal interphalangeal joints of the first digits bilaterally.

In response to a request for additional evidence, appellant submitted a narrative statement indicating that he had worked as a claims examiner, which required writing and data entry. He stated that his symptoms of numbness and pain in the digits of both hands and the right thumb had increased over the years. Appellant submitted a report (Form CA-20) dated May 2, 2006 from Dr. K.L. Carr, an internist, who diagnosed bilateral osteoarthritis of the hands and checked a box "yes" that the condition was employment related, stating "aggravated by typing."

By decision dated June 20, 2006, the Office denied the claim for compensation. The Office found that the medical evidence was insufficient to establish the claim.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.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

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

² 5 U.S.C. §§ 8101-8193.

³ 20 C.F.R. § 10.115(e), (f) (2005); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

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

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

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

Appellant alleged that his job duties, including writing and data entry, had aggravated a bilateral hand condition. The medical evidence of record, however, does contain a reasoned medical opinion based on a complete background that is sufficient to meet appellant's burden of proof. Dr. Treister did not provide an opinion on causal relationship between the noted sensory changes and appellant's federal employment. Dr. Carr provided only a checkmark "yes" on a form report with a brief statement on aggravation by typing. The checking of a box "yes" in a form report is of diminished probative value and generally not sufficient to establish causal relationship.⁸ Dr. Carr did not provide a complete history or a reasoned medical opinion on the issue presented. There is no medical evidence addressing how appellant's federal employment caused or contributed to his claimed bilateral osteoarthritis or other condition.

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

CONCLUSION

The record does not establish that appellant sustained a hand condition causally related to his federal employment.

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

⁷ *Id.*

⁸ See *Barbara J. Williams*, 40 ECAB 649, 656 (1989).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated June 20, 2006 is affirmed.

Issued: November 27, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board