



mail. In an attached statement, appellant described his remark job duties noting that he was required to scratch out bar and zip codes from hundreds of pieces of mail daily and rubber stamp them.

In a letter dated March 8, 2006, the Office of Workers' Compensation Programs requested additional factual and medical information from appellant including his physician's opinion on how the reported incidents contributed to his condition. A letter to appellant's employer was also sent on March 8, 2006.

In a March 21, 2006 letter, appellant responded to the Office's request for additional information. Correspondence from Dr. Donald L. Pruitt, Board-certified in orthopedic surgery, was attached to the letter. The correspondence consisted of two letters to Dr. Chandra Shekar, a physician, from Dr. Pruitt dated April 13 and December 5, 2005, as well as two notes dated August 11, 2005 and March 6, 2006. In Dr. Pruitt's first letter dated April 13, 2005, he noted appellant's history including his work stamping out bar codes and recoding mail and the triggering in his right fourth finger. He stated his opinion that appellant had trigger finger and that the condition would mostly be an age-related phenomenon. Dr. Pruitt added: "There might be a little component of work contributing to it but I think probably most of it is really due to his age." His other progress reports indicated that appellant underwent conservative treatment, including cortisone shots. After appellant experienced increased symptoms, Dr. Pruitt reported on March 6, 2006 that appellant had undergone a release of the trigger finger.

Appellant's response letter was also accompanied by additional factual information consisting of periodical printouts from the Mayo Clinic regarding trigger finger, as well as appellant's opinion that Dr. Pruitt's opinion regarding the cause of the injury was wrong.

In a May 17, 2006 decision, the Office denied appellant's claim on the grounds that the medical evidence of record failed to establish that appellant sustained an injury in the performance of a duty.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> 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. An award of compensation may not be based on surmise, conjecture, speculation or upon appellant's own belief that there is causal relationship between his claimed condition and his employment.<sup>2</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

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<sup>1</sup> 5 U.S.C. §§ 8101-8193

<sup>2</sup> *Donald W. Long*, 41 ECAB 142 (1989).

presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying the 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.<sup>3</sup>

### **ANALYSIS**

The Board finds that appellant has failed to submit sufficient medical evidence providing a rationalized opinion which relates his right hand trigger finger condition to the alleged remark duties of his federal employment. For this reason, he has not discharged his burden of proof to establish his claim.

The only medical evidence of record which discusses causal relationship is the opinion provided by appellant's treating physician, Dr. Pruitt. In his letter dated April 13, 2005, Dr. Pruitt stated that appellant's trigger finger would mostly be an age-related phenomena. He added that there might be a little component of work contributing to appellant's trigger finger, but he offered no medical rationale to support this statement. The Board finds that Dr. Pruitt's opinion is not of substantial probative value in that his reports do not adequately explain how or why appellant's right hand trigger finger condition was caused by the alleged factors of his employment, remarking and stamping mail. Dr. Pruitt's opinion is speculative at best as he does not offer a rationalized medical opinion relating appellant's diagnosed trigger finger to any cause. While the opinion of a physician supporting causal relationship need not be one of absolute medical certainty, the opinion must not be speculative or equivocal. The opinion should be expressed in terms of a reasonable degree of medical certainty.<sup>4</sup>

Finally, the Board notes that appellant submitted various periodical articles to the record to attempt to establish causal relationship. The Board has held that newspaper clippings, medical texts and excerpts from publications are of no evidentiary value in establishing the causal relationship between a claimed condition and appellant's federal employment as such material are of general application and are not determinative of which the specific condition claimed or related to particular employment factors or incidents.<sup>5</sup>

While the record contains evidence of a condition, the physician's report is insufficient to establish a causal relationship between appellant's condition and his employment.

### **CONCLUSION**

The Board finds that appellant has not established that his right hand trigger finger condition is causally related to factors of his federal employment.

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<sup>3</sup> *Robert A. Boyle*, 54 ECAB 381 (2003).

<sup>4</sup> *Morris Scanlon*, 11 ECAB 384, 385 (1960).

<sup>5</sup> *Gloria J. McPherson*, 51 ECAB 441 (2000).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated May 17, 2006 is affirmed.

Issued: November 28, 2006  
Washington, DC

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

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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