

realized that her condition was caused or aggravated by her employment on September 14, 2005.¹ Appellant stopped work on November 30, 2005 and has not returned.

Appellant submitted a copy of her work hours and leave from August 6, 2005 through January 6, 2006 and a September 14, 2005 report from Dr. Harry H. Orenstein, a Board-certified plastic surgeon specializing in orthopedics. Dr. Orenstein noted that appellant's previous carpal tunnel decompression surgeries (two right and one left sided) were nonbeneficial and that she now has constant and chronic headaches as well as neck stiffness and pain with shooting electrical charges through her neck to her upper extremities. He also noted that appellant's job was highly repetitive and in nature and her disability was increasing with more problems performing her adult daily living activities and her job function. Dr. Orenstein accessed bilateral neurogenic thoracic outlet entrapment, bilateral ulna and radial nerve entrapment and recurrent carpal tunnel problems and recommended appellant undergo left neurogenic thoracic outlet decompression with selected trigger point denervation.

By letter dated January 13, 2006, the Office advised appellant that additional factual and medical information were required. Appellant was further advised that it was her responsibility to identify the specific employment factors she believed caused or contributed to her claimed medical condition and to provide a detailed narrative medical report, with a rationalized opinion, from a qualified physician which established that a condition or disability was sustained due to work factors.

In a January 26, 2006 letter, appellant advised that she was a part-time flexible career employee and described her daily tasks of sorting flat and letter pieces of mail, lifting and moving mail, and writing second notices. She alleged that her job involved repetitive movement 90 percent of the day which lasted 8 to 12 hours.

In a January 31, 2006 report, Dr. Orenstein stated that appellant had a clinical diagnosis of neurogenic thoracic outlet entrapment and trapezius myofascial pain syndrome. He opined that the problem was bilateral with the left side more involved than the right side.

By decision dated February 22, 2006, the Office denied appellant's claim for compensation as the medical evidence did not demonstrate that the claimed medical condition was related to the established work-related events.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of 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 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. These are the essential elements of each and every

¹ The record reflects that appellant has two accepted workers' compensation cases under case number 160325650 and case number 162100655.

compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.²

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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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.³

The claimant has the burden of establishing by the weight of reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of employment.⁴

ANALYSIS

In the instant case, it is not disputed that appellant was engaged in repetitive duties during the course of her employment. However, the weight of the medical evidence does not establish that her claimed neck and shoulder conditions are causally related to her established employment factors. While Dr. Orenstein diagnosed upper extremity conditions in his reports of September 14, 2005 and January 31, 2006, he failed to provide a reasoned opinion which established that the diagnosed condition was sustained due to the identified work factors. For example, in his September 14, 2005 report, Dr. Orenstein noted that appellant's job was highly repetitive and in nature but he did not specifically provide his own opinion, supported by medical reasoning, regarding whether such duties caused or aggravated a diagnosed condition. There is no medical evidence of record providing a specific opinion on causal relationship between appellant's claimed upper extremity conditions and her federal employment. Consequently, the medical evidence does not establish that appellant's upper extremity conditions are due to her federal employment.

While appellant may have believed that her work environment caused or contributed to her upper extremity conditions, the record contains insufficient medical opinion explaining how her work environment caused and/or aggravated her claimed conditions. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁵ Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the

² *Phillip L. Barnes*, 55 ECAB ____ (Docket No. 02-1441, issued March 31, 2004); *Gary J. Watling*, 52 ECAB 357 (2001).

³ *Elizabeth H. Kramn (Leonard O. Kramm)*, 57 ECAB ____ (Docket No. 05-715, issued October 6, 2005); *Roy L. Humphrey*, 57 ECAB __ (Docket No. 05-1928, issued November 23, 2005).

⁴ *Katherine J. Friday*, 47 ECAB 591, 594 (1996).

⁵ *Nicollette R. Kelstrom*, 54 ECAB 570 (2003).

employment caused or aggravated her condition is sufficient to establish causal relationship.⁶ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

As there is no probative, rationalized medical evidence addressing and explaining why appellant's claimed medical condition was caused and/or aggravated by her employment exposure, appellant has not met her burden of proof in establishing that she sustained a medical condition in the performance of duty causally related to factors of employment.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that her claimed medical conditions were caused or aggravated by her federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated February 22, 2006 is affirmed.

Issued: September 20, 2006
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

⁶ See *Joe T. Williams*, 44 ECAB 518, 521 (1993).