

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

E.B., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Akron, OH, Employer**

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**Docket No. 07-285
Issued: April 5, 2007**

Appearances:

*Alan J. Shapiro, Esq., for the appellant
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 November 13, 2006 appellant filed a timely appeal from July 24 and October 24, 2006 decisions of the Office of Workers' Compensation Programs denying her occupational disease claim. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the claim.

ISSUE

The issue is whether appellant has established that she sustained bilateral carpal tunnel syndrome in the performance of duty.

FACTUAL HISTORY

On April 21, 2006 appellant, then a 35-year-old mail handler, filed an occupational disease claim (Form CA-2) asserting that she sustained right carpal tunnel syndrome in the performance of duty on or before April 8, 2006. She attributed her condition to repetitive twisting of the right wrist while working with pallets, shifting gears on a tow motor and lifting

coolers and throwing bundles of mail weighing up to 50 pounds. Appellant was placed in light-duty status on or before April 28, 2006.

In a May 15, 2006 letter, the Office advised appellant of the medical and factual evidence needed to establish her claim. It emphasized the need to submit a rationalized statement from her attending physician explaining how and why work factors would cause or contribute to the claimed right carpal tunnel syndrome.

Appellant submitted an April 19, 2006 report from Dr. Dipti B. Shah, an attending internist, diagnosing right carpal tunnel syndrome. Dr. Shah noted work restrictions through May 19, 2006 limiting lifting, pulling or pushing to 10 pounds.

By decision dated July 24, 2006, the Office denied appellant's claim on the grounds that causal relationship was not established. The Office found that appellant submitted insufficient rationalized medical evidence to establish a causal relationship between work factors and the claimed right carpal tunnel syndrome.

In an August 12, 2006 letter, appellant requested reconsideration. She stated that, since she began work at the employing establishment on November 8, 1998, she performed numerous tasks requiring repetitive motion of the upper extremities. Appellant described using optical scanners, manually keying mail, sweeping mail, operating a tow motor, pallet jack and forklift, cutting plastic straps on bundles of mail, spreading mail and lifting heavy bags, trays and bundles. She submitted additional evidence.

In an April 19, 2006 report, Dr. Shah diagnosed right carpal tunnel syndrome.¹ She opined that appellant's intermittent right wrist and hand pain were aggravated by repetitive motion at work. Dr. Shah noted that appellant wore a right wrist splint. In form reports dated April 19 to July 25, 2006, she diagnosed right carpal tunnel syndrome and tendinitis of the right wrist. Dr. Shah limited appellant to lifting, pulling and pushing up to 10 pounds.

In a September 13, 2006 report, Dr. John Dietrich, an attending Board-certified orthopedic surgeon, noted appellant's employment as a mail handler and related her symptoms of bilateral hand paresthesias. On examination, he observed bilaterally positive median nerve compression tests, Tinel's and Phalen's signs. Dr. Dietrich diagnosed bilateral carpal tunnel syndrome.

The Office determined that the evidence submitted on reconsideration warranted further development. In a September 14, 2006 letter, the Office requested that Dr. Shah review an enclosed statement of accepted facts and explain whether the accepted work factors caused or contributed to appellant's right carpal tunnel syndrome. The Office accepted that appellant's duties as a mail handler required repetitive upper extremity motion, including heavy lifting and operating power equipment. In a second September 14, 2006 letter, the Office advised appellant

¹ A June 23, 2006 nerve conduction velocity (NCV) study of the right upper extremity showed median nerve latency consistent with carpal tunnel syndrome. July 24, 2006 bilateral wrist x-rays showed a small osseous density near the ulnar styloid on the left of unknown etiology.

that it was her responsibility to see that Dr. Shah submitted the requested report within 30 days. Dr. Shah did not respond.

By decision dated October 24, 2006, the Office denied modification of the July 24, 2006 decision. The Office noted that it had expanded the claim to include Dr. Dietrich's diagnosis of left carpal tunnel syndrome. The Office explained that, although Dr. Shah generally supported causal relationship, she did not describe specific work tasks or explain how those duties would cause or aggravate appellant's bilateral carpal tunnel syndrome. The Office noted that it "attempted to bridge the gap in medical opinion by" soliciting a report from Dr. Shah but that she did not respond.

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 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.³ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on 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) 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 is generally 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 medial 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

² 5 U.S.C. §§ 8101-8193.

³ *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *See Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999).

⁵ *Solomon Polen*, 51 ECAB 341 (2000).

ANALYSIS

Appellant claimed that she sustained bilateral carpal tunnel syndrome in the performance of duty. Dr. Shah, an attending internist, diagnosed right carpal tunnel syndrome. Dr. Dietrich, an attending Board-certified orthopedic surgeon, diagnosed bilateral carpal tunnel syndrome. The Office accepted that appellant's assigned duties as a mail handler required repetitive heavy lifting and operating power equipment. However, appellant did not submit sufficient medical evidence to establish the claimed causal relationship between the diagnosed bilateral carpal tunnel syndrome and the accepted work factors.

Dr. Shah submitted reports from April 19 to July 25, 2006 diagnosing right bilateral carpal tunnel syndrome. She stated that repetitive motion at work aggravated appellant's right hand and wrist pain. However, Dr. Shah did not mention any of the accepted work factors or explain how those tasks would cause or aggravate carpal tunnel syndrome. Her opinion is thus insufficiently rationalized to meet appellant's burden of proof in establishing causal relationship.⁶ Similarly, Dr. Dietrich noted in his September 13, 2006 report that appellant worked as a mail handler. He did not explain why any of appellant's duties would cause or aggravate the diagnosed bilateral carpal tunnel syndrome. Dr. Dietrich's opinion is thus insufficient to establish causal relationship in this case.⁷

The Board notes that appellant was advised by a May 15, 2006 letter of the need to submit rationalized medical evidence from her attending physician supporting causal relationship. However, appellant did not submit such evidence. Additionally, the Office sought to develop the evidence by requesting a supplemental report from Dr. Shah. The Office advised appellant that it was her responsibility to assure that the report was timely submitted. However, Dr. Shah did not submit the requested report.

Appellant has failed to meet her burden of proof. She submitted insufficient rationalized medical evidence to establish that the claimed bilateral carpal tunnel syndrome was caused or aggravated by the accepted work factors.

CONCLUSION

The Board finds that appellant has not established that she sustained bilateral carpal tunnel syndrome in the performance of duty.

⁶ *Deborah L. Beatty*, 54 ECAB 340 (2003) (medical reports not containing rationale on causal relationship are entitled to little probative value).

⁷ *Deborah L. Beatty*, *supra* note 6.

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated October 24 and July 24, 2006 are affirmed.

Issued: April 5, 2007
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