



that he was diagnosed with right carpal tunnel syndrome in 1996 and underwent surgery. Subsequently, appellant's right hand pain worsened and he developed pain in his left hand. He indicated that he was treated for his hand condition on October 4, 2006 by Dr. Bret Barney.<sup>1</sup> On November 2, 2006 the employing establishment stated that appellant's duties included filling and emptying five-gallon mop buckets and using a mop for cleaning and polishing floors for four to five hours a day.

On October 20, 2006 the Office asked appellant to provide additional evidence, including a comprehensive medical report explaining how his right and left hand conditions were causally related to factors of his employment.

In an April 15, 1996 report, Dr. Robert V. Graves, an attending physiatrist, stated that appellant had worked at the employing establishment for 14 months and had a 2- to 3-month history of right hand pain and numbness. A nerve conduction study and appellant's history were consistent with right carpal tunnel syndrome and early carpal tunnel compression in the left hand.<sup>2</sup> Dr. Graves provided a copy of the nerve conduction study results. He indicated that appellant should continue work modifications and use hand splints.

By decision dated January 12, 2007, the Office denied appellant's claim on the grounds that the evidence did not establish a causal relationship between his hand conditions and his employment.

### **LEGAL PRECEDENT**

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 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, generally, is rationalized medical evidence.<sup>3</sup> 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 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

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<sup>1</sup> There is no report of record from Dr. Barney.

<sup>2</sup> There is no indication in the record that the Office has accepted that appellant sustained a 1996 employment injury or carpal tunnel syndrome.

<sup>3</sup> *Michael S. Mina*, 57 ECAB \_\_\_\_ (Docket No. 05-1763, issued February 7, 2006).

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.<sup>4</sup>

An award of compensation may not be based on surmise, conjecture, speculation or upon appellant's own belief that there is a causal relationship between his claimed injury and his employment.<sup>5</sup> To establish a causal relationship, appellant must submit a physician's report in which the physician reviews the employment factors identified by appellant as causing his condition and, taking these factors into consideration, as well as findings upon physical examination of appellant and his medical history, state whether the employment factors caused or aggravated appellant's diagnosed conditions and present medical rationale in support of his or her opinion.<sup>6</sup>

### ANALYSIS

The Board finds that appellant has failed to meet his burden of proof in establishing that he developed carpal tunnel syndrome or any other condition in 2006 causally related to factors of his federal employment.

Appellant alleged that he experienced pain and numbness in both hands due to his hospital work duties, including sweeping and mopping floors and cleaning bathrooms. He stated that he was diagnosed with right carpal tunnel syndrome in 1996 and underwent surgery. Subsequently, appellant's right hand pain worsened and he developed pain in his left hand. He submitted an April 15, 1996 report from Dr. Graves who stated that he had worked at the employing establishment for 14 months and had a 2- to 3-month history of right hand pain and numbness. Dr. Graves diagnosed right carpal tunnel syndrome and early carpal tunnel compression in the left hand and indicated that appellant should continue work modifications and use hand splints. However, he did not provide a rationalized opinion explaining how appellant's hand conditions were causally related to the identified employment duties. Dr. Graves indicated that appellant's right carpal tunnel condition preexisted his employment. He did not explain how appellant's work as a housekeeping aid contributed to the diagnosed conditions. Further, there is no medical evidence of record addressing appellant's 2006 claim for right and left hand conditions. Appellant indicated that he saw Dr. Barney in October 2006 for his claimed condition but there are no medical reports of record from Dr. Barney. For these reasons, appellant has not met his burden of proof in establishing his occupational disease claim for injuries to his hands.<sup>7</sup>

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<sup>4</sup> Gary J. Watling, 52 ECAB 278 (2001); Gloria J. McPherson, 51 ECAB 441 (2000).

<sup>5</sup> Donald W. Long, 41 ECAB 142 (1989).

<sup>6</sup> *Id.*

<sup>7</sup> On appeal, appellant indicates that additional medical evidence was mailed to the Office on January 18, 2007, subsequent to the January 12, 2007 decision. There is no copy of additional medical evidence in the record. In any event, the Board may not consider new evidence on appeal. The Board's jurisdiction is limited to the evidence that was before the Office at the time it issued its final decision. See 20 C.F.R. § 501.2(c).

**CONCLUSION**

The Board finds that appellant failed to meet his burden of proof in establishing that he developed an occupational disease in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 12, 2007 is affirmed.

Issued: July 6, 2007  
Washington, DC

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

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

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