



appellant described her work making and emptying boxes. Her lower arm and hand began tingling and she informed her superiors.

In a statement dated October 16, 2006, the employing establishment verified that appellant's duties included unfolding, taping and placing a red bag into biological hazard boxes. When the boxes became full, she placed them into a biological hazard container and wheeled the boxes to the loading dock. Appellant notified management that her right hand felt numb on July 26, 2006.

In a report dated July 31, 2006, Dr. Kenneth A. Neifeld, a Board-certified internist, noted that appellant experienced "some tingling in her hand while making boxes" during her work at the employing establishment. He listed findings of "slight tenderness to palpation and range of motion of the right wrist." Dr. Neifeld diagnosed probable early carpal tunnel syndrome and opined that she should restrict her wrist movement for one month and wear a wrist strap.

By letter dated November 1, 2006, the Office informed appellant that the evidence was currently insufficient to establish her claim and requested additional factual and medical information, including a detailed medical report addressing the results of objective tests and the causal relationship of any diagnosed condition to factors of her federal employment. In a response received December 4, 2006, appellant described her employment duties and her development of a hand and wrist problem. She also submitted an accident report describing the incident as occurring when her right hand and lower forearm began tingling when she made boxes.

In a decision dated January 19, 2007, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that she sustained a medical condition causally related to the accepted work factors.

### **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 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.<sup>2</sup> 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.<sup>3</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> *Tracey P. Spillane*, 54 ECAB 608 (2003); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *See Ellen L. Noble*, 55 ECAB 530 (2004).

presence or existence of the disease or condition for which compensation is claimed;<sup>4</sup> (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;<sup>5</sup> and (3) medical evidence establishing 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>6</sup>

The medical evidence required to establish causal relationship generally is 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.<sup>7</sup> The opinion of the physician must be based on a complete factual and medical background of the claimant,<sup>8</sup> must be one of reasonable medical certainty<sup>9</sup> explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>10</sup>

### ANALYSIS

Appellant attributed her right lower arm and hand condition to making and moving boxes. The employing establishment confirmed that she performed these duties and the Office accepted the occurrence of the claimed employment factors. The issue, therefore, is whether the medical evidence establishes a causal relationship between the claimed conditions and the identified employment factors.

On July 31, 2006 Dr. Neifeld described appellant's complaints of tingling in her hand which she attributed to making boxes at work. He diagnosed probable early carpal tunnel syndrome and listed restrictions for the wrist. Dr. Neifeld did not, however, address the cause of the diagnosed condition of probable carpal tunnel syndrome. Medical evidence that does not offer any opinion regarding the cause of an employee's condition is of diminished probative value on the issue of causal relationship.<sup>11</sup> Further, Dr. Neifeld's diagnosis of "probable" carpal tunnel syndrome is speculative in nature and entitled to little weight.<sup>12</sup>

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<sup>4</sup> *Michael R. Shaffer*, 55 ECAB 386 (2004).

<sup>5</sup> *Marlon Vera*, 54 ECAB 834 (2003); *Roger Williams*, 52 ECAB 468 (2001).

<sup>6</sup> *Beverly A. Spencer*, 55 ECAB 501 (2004).

<sup>7</sup> *Conrad Hightower*, 54 ECAB 796 (2003); *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>8</sup> *Tomas Martinez*, 54 ECAB 623 (2003); *Gary J. Watling*, 52 ECAB 278 (2001).

<sup>9</sup> *John W. Montoya*, 54 ECAB 306 (2003).

<sup>10</sup> *Judy C. Rogers*, 54 ECAB 693 (2003).

<sup>11</sup> *Conrad Hightower*, *supra* note 7.

<sup>12</sup> *D.D.*, 57 ECAB \_\_\_\_ (Docket No. 06-1315, issued September 14, 2006).

An award of compensation may not be based on surmise, conjecture or speculation of upon appellant's own belief that there is a causal relationship between her claimed condition and her employment.<sup>13</sup> Appellant must submit a physician's report in which the physician reviews those factors of employment identified as causing her condition and, taking these factors into consideration as well as findings upon examination and the medical history, explain how employment factors caused or aggravated any diagnosed condition and present medical rationale in support of his or her opinion.<sup>14</sup> She failed to submit adequate medical evidence and therefore failed to discharge her burden of proof.

**CONCLUSION**

The Board finds that appellant has not established that she sustained a right arm or wrist condition due to factors of her federal employment.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 19, 2007 is affirmed.

Issued: July 18, 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

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<sup>13</sup> *Patricia J. Glenn*, 53 ECAB 159 (2001).

<sup>14</sup> *Robert Broome*, 55 ECAB 339 (2004).