

syndrome. It also requested a comprehensive medical report containing a description of his symptoms, the results of examinations and tests and medical rationale explaining how his bilateral carpal tunnel syndrome was causally related to specific factors of his employment. There was no response from appellant.

By decision dated February 15, 2008, the Office denied appellant's claim on the grounds that the factual and medical evidence was insufficient to establish that his bilateral carpal tunnel syndrome was causally related to factors of his employment.¹

LEGAL PRECEDENT

To establish that an injury was sustained in the performance of duty in a claim for an occupational disease claim, an employee must submit the following: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.² Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on whether there is a causal relationship between the employee's diagnosed condition and the compensable employment factors. The opinion of the physician must be based on a complete factual and medical background of the employee, 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 employee.³

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's claimed condition became apparent during a period of employment nor his belief that his condition was aggravated by his employment is sufficient to establish causal relationship.⁴

ANALYSIS

Appellant was advised by the Office on December 6, 2007 that he needed to submit a detailed description of the employment activities which contributed to his bilateral carpal tunnel syndrome and a comprehensive medical report containing a description of his symptoms, the results of examinations and tests and medical rationale explaining how his bilateral carpal tunnel

¹ Subsequent to the February 15, 2008 Office decision, additional documents were associated with the file. 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). The Board may not consider this evidence for the first time on appeal.

² See *Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

³ *I.J.*, 59 ECAB ___ (Docket No. 07-2362, issued March 11, 2008); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁴ *D.I.*, 59 ECAB ___ (Docket No. 07-1534, issued November 6, 2007); *Ruth R. Price*, 16 ECAB 688, 691 (1965).

syndrome was causally related to specific factors of his employment. He submitted no description of his employment activities or medical evidence pertaining to his bilateral carpal tunnel syndrome. Although the Office informed appellant of the deficiency in the evidence, appellant did not submit the factual and medical evidence necessary to establish a *prima facie* claim for compensation.⁵ Therefore, appellant failed to meet his burden of proof to establish that his bilateral carpal tunnel syndrome was caused or aggravated by his job.

CONCLUSION

The Board finds that appellant failed to meet his burden of proof in establishing that he sustained bilateral carpal tunnel syndrome in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated February 15, 2008 is affirmed.

Issued: December 2, 2008
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

⁵ See *Donald W. Wenzel*, 56 ECAB 390 (2005).