

December 1, 2005. The pain increased during the week, especially while typing and diminished on weekends and during vacation. The employing establishment stated that appellant did not file a claim earlier because he treated his condition himself and hoped that it would improve.

Appellant submitted a report, dated February 16, 2007, from occupational therapist Cecilia Najera, who noted that appellant had numbness and pain in both hands, right worse than left. Ms. Najera stated that he spent most of his time typing notes on the computer. Appellant reported that he frequently dropped objects and had difficulty opening jars. Ms. Najera found that appellant had positive Tinel's signs, compression tests and Phalen's tests at both wrists. She noted that the Semmes-Weinstein test showed diminished light touch of 3.61 in all fingers of both hands. Ms. Najera instructed appellant on the conservative management of carpal tunnel syndrome and ordered wrist-splints for him.

On April 27, 2007 the Office requested additional medical and factual information related to appellant's claim. The Office provided 30 days for the submission of these materials. Appellant and the employing establishment did not provide the requested information in the allotted time.¹

By decision dated June 1, 2007, the Office denied appellant's claim. The Office accepted that the claimed occupational exposure occurred as alleged, but found that there was no medical evidence providing a diagnosis causally related to his duties as a medical officers.

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 or specific condition for which compensation is claimed is causally related to the employment injury.³

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;⁴ (2) a factual statement identifying employment factors alleged to have caused or contributed to the

¹ The Board notes that appellant and the employing establishment submitted narrative statements following the issuance of the Office's June 1, 2007 decision. As this evidence was not in the record at the time of the final decision, the Board has no jurisdiction to consider it. See 20 C.F.R. § 501.2(c) ("The review of a case shall be limited to the evidence in the case record which was before the Office at the time of its final decision.")

² 5 U.S.C. §§ 8101-8193.

³ *Caroline Thomas*, 51 ECAB 451 (2000); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *Solomon Polen*, 51 ECAB 341 (2000).

presence or occurrence of the disease or condition;⁵ and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁶

When determining whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors, the Office generally relies on the rationalized opinion of a physician.⁷ To be rationalized, the opinion must be based on the claimant's complete factual and medical background⁸ and must be one of reasonable medical certainty,⁹ explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.¹⁰

ANALYSIS

The record establishes that appellant was subject to the accepted employment factor of regular typing duties. The issue to be determined is whether he has established a diagnosed condition causally related to this accepted employment factor.

The Board finds that appellant failed to submit a rationalized opinion from a physician based on objective physical findings. Part of a claimant's burden of proof includes the necessity of presenting rationalized medical evidence, based on a complete factual and medical background, which establishes a causal relationship.¹¹ The record contains the report of Ms. Najera, a physical therapist. The Board notes that a report may not be considered probative medical evidence unless it can be established that the person completing the report is a "physician" under the Act.¹² Section 8101(2) of the Act provides as follows: "(2) 'physician' includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors and osteopathic practitioners within the scope of their practice as defined by State law." The Board has held that the reports of therapists have no probative value on medical questions because therapists are not competent to render medical opinions under the Act.¹³ Therefore, the Board finds that the report of Ms. Najera is not sufficient to establish appellant's claim. Because appellant has not submitted medical evidence, he has not established a *prima facie* claim. The Board finds that he has not established that his condition was causally related to his accepted employment factor.

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

⁶ *Ernest St. Pierre*, 51 ECAB 623 (2000).

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

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

⁹ *John W. Montoya*, 54 ECAB 306 (2003).

¹⁰ *Judy C. Rogers*, 54 ECAB 693 (2003).

¹¹ *George H. Clark*, 56 ECAB 162 (2004).

¹² *Thomas L. Agee*, 56 ECAB 465 (2005).

¹³ See *James Robinson*, 53 ECAB 417 (2002) (occupational therapist not competent to render medical opinion).

On appeal, appellant argued that his self-diagnosis was adequate medical evidence because, as a physician, he determined that his employment was the cause of his carpal tunnel condition. Though he is a physician, his opinion, without sufficient medical rationale, is of no probative value.¹⁴ As noted above, the record contains no rationalized medical evidence to support appellant's belief that his employment caused his carpal tunnel syndrome. Therefore, the Board finds that appellant's opinion is insufficient to establish causal relationship.

The Board finds that appellant has not met the burden of proof to establish his occupational disease claim.

CONCLUSION

The Board finds that appellant has not established that he sustained carpal tunnel syndrome in the performance of duty causally related to factors of his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated June 1, 2007 is affirmed.

Issued: February 25, 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

¹⁴ See *Paul Foster*, 56 ECAB 208 (2004) ("An award of compensation may not be based on a claimant's belief of causal relationship").