

repetitive duties. On January 21, 2006 she first became aware of the condition and on February 8, 2006 she first realized it was due to her repetitive work duties.

In a letter dated May 24, 2006, the Office informed appellant that the evidence of record was insufficient to support her claim for carpal tunnel syndrome. It advised her as to the medical and factual information required to support her claim. Appellant was given 30 days to submit the requested information.

On February 8, 2006 Dr. Daniel I. Singer, an examining physician specializing in orthopedic and hand surgery, diagnosed left middle trigger finger, right thumb probable carpometacarpal (CMC) arthritis and diabetes. He noted that appellant related that she had pain in the base of her right thumb and in the left middle finger. Appellant also stated that her left middle finger had been catching for about six months. She stated that she believed that the condition was due to her employment duties. A physical examination revealed tenderness at the A-1 pulley and CMC joint, no definite catching and “positive abduction stress test of the right thumb.”

By decision dated August 22, 2006, the Office denied appellant’s claim on the grounds that the evidence was insufficient to establish that the condition was causally related to her employment duties.

Subsequent to the August 22, 2006 decision the Office received an August 15, 2006 report from Dr. Singer who diagnosed CMC arthritis which was not due to appellant’s employment. Dr. Singer noted that appellant also had diabetes and left middle trigger finger. He stated that, while appellant believed that her left middle trigger finger was employment related, “[d]iabetes is one of the predisposing factors for trigger finger and it could be considered related to the trigger finger.” Dr. Singer noted that he could not deny that appellant’s work activities could have caused the trigger finger condition as “the etiology of trigger finger is unclear.”

On September 1, 2006 appellant requested an oral hearing before an Office hearing representative, which was held on December 19, 2006. In an attached statement, appellant reiterated her belief that her left middle trigger finger was due to her repetitive work duties.

On December 20, 2006 Dr. Terry A. Vernoy, a treating orthopedic surgeon, diagnosed left middle finger chronic extensor tendon synovitis. He reported appellant’s duties required moving luggage in and out of an x-ray machine. A physical examination revealed “no locking on flexion or extension to the middle finger on the flexor side” and a “palpable lump and clicking sensation” was noted on extension.

By decision dated April 6, 2007, the Office hearing representative affirmed the denial of appellant’s claim. She found that neither Dr. Vernoy nor Dr. Singer provided an opinion explaining how appellant’s trigger finger condition was causally related to her employment duties.

LEGAL PRECEDENT

An occupational disease or illness means a condition produced in the work environment over a period longer than a single workday or shift by such factors as systemic infection,

continued or repeated stress or strain or other continued or repeated conditions or factors of the work environment.¹

To establish that an injury was sustained in the performance of duty in an occupational disease claim, an employee must submit the following: (1) medical evidence establishing the presence or existence of a condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the condition; and (3) medical evidence establishing that the employment factors identified by the employee were the proximate cause of the condition or illness, 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 employee.²

Causal relationship is a medical issue and the medical evidence required to establish causal relationship is rationalized medical evidence.³ Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between an employee's diagnosed conditions and the implicated employment factors.⁴ 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 conditions and the specific employment factors identified by the employee.⁵

The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁶ Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.⁷

ANALYSIS

The Board finds that appellant has failed to submit sufficient medical evidence providing a rationalized opinion which relates her left middle trigger finger condition was causally related to her employment. For this reason, she has not discharged her burden of proof to establish her claim.

¹ *Donald W. Wenzel*, 56 ECAB ____ (Docket No. 05-146, issued March 17, 2005); *William Taylor*, 50 ECAB 234 (1999); *see also* 20 C.F.R. § 10.5(q).

² *D.D.*, 57 ECAB ____ (Docket No. 06-1315, issued September 14, 2006); *Donna L. Mims*, 53 ECAB 730 (2002).

³ *David Apgar*, 57 ECAB ____ (Docket No. 05-1249, issued October 13, 2005)

⁴ *G.G.*, 58 ECAB ____ (Docket No. 06-1564, issued February 27, 2007); *Kathryn E. Demarsh*, 56 ECAB ____ (Docket No. 05-269, issued August 18, 2005).

⁵ *J.M.*, 58 ECAB ____ (Docket No. 06-2094, issued January 30, 2007); *Roy L. Humphrey*, 57 ECAB ____ (Docket No. 05-1928, issued November 23, 2005).

⁶ *D.E.*, 58 ECAB ____ (Docket No. 07-27, issued April 6, 2007).

⁷ *V.W.*, 58 ECAB ____ (Docket No. 07-234, issued March 22, 2007).

Dr. Vernoy diagnosed left middle finger chronic extensor tendon synovitis, but offered no opinion as to the cause of the condition. As he offered no opinion as to the cause of appellant's condition, his report is of diminished probative value on the issue of causal relationship and insufficient to support her claim.⁸ On February 8, 2006 Dr. Singer noted that appellant attributed her trigger finger to her employment duties. On August 15, 2006 he opined that her left middle trigger finger was not employment related. Dr. Singer explained that appellant had diabetes which would predispose her to this condition. He also noted that he could not deny that appellant's employment duties could have caused or aggravated appellant's trigger finger and noted that the cause of trigger finger is unknown. The Board finds that Dr. Singer's opinion is equivocal in that he initially attributed appellant's middle trigger finger condition to her diabetes, but noted that he could not rule out her employment duties as causing her condition. The Board has held that medical opinions which are speculative or equivocal in character are of diminished probative value.⁹ While the opinion of a physician supporting causal relationship need not be one of absolute medical certainty, the opinion must not be speculative or equivocal. As Dr. Singer's opinion is speculative and unrationalized, his reports are insufficient to support appellant's burden. The medical evidence of record is not sufficient to establish a causal relationship between appellant's condition and her implicated employment factors.

CONCLUSION

The Board finds that appellant has failed to meet her burden of proof to establish that she sustained a left middle trigger finger condition causally related to her federal employment.

⁸ A.D., 58 ECAB ___ (Docket No. 06-1183, issued November 14, 2006).

⁹ L.R. (E.R.), 58 ECAB ___ (Docket No. 06-1942, issued February 20, 2007).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated April 6, 2007 is affirmed.

Issued: January 10, 2008
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

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