

comprehensive report from a treating physician describing her symptoms and the medical reasons for her condition, an opinion as to whether her claimed condition was causally related to her federal employment. The Office requested that appellant submit any evidence within 30 days.

In a May 22, 2009 statement, appellant's supervisor, Linda Chavarin-Morales, noted that appellant's duties as a mail clerk involved sorting mail, lifting boxes and pushing a mail cart for mail pick-up and deliveries. She advised that appellant was required to use a computer for a portion of the mail function and to read e-mails. Ms. Chavarin-Morales advised that the mail clerk position required repetitive motions to complete the tasks of the mail function.

On June 10, 2010 appellant stated that she was tasked with picking up mail by pushing a mail cart which weighed more than 100 pounds, delivering mail to four floors in her building and delivering boxes to the post office across the street four to five times per day.

In a June 18, 2009 report, Dr. James A. Moen, Board-certified in internal medicine, placed appellant on light duty for four weeks with the following restrictions: avoiding repetitive gripping and lifting and avoiding lifting more than five pounds.

By decision dated July 6, 2009, the Office denied the claim, finding that appellant failed to submit medical evidence sufficient to establish that her claimed condition was related to factors of employment.

In a May 6, 2009 Form CA-20 report, received by the Office on August 4, 2009, Dr. James A. Taki, a specialist in family practice, stated that appellant was experiencing numbness, tingling, Phalen's wrist tendinitis and grip weakness. He diagnosed carpal tunnel syndrome and wrist sprain and checked a box indicating that the conditions found were caused or aggravated by an employment activity.

On August 11, 2009 appellant requested reconsideration.

On August 7, 2009 Dr. Cynthia G. Campbell, Board-certified in physical medicine and rehabilitation, stated that electrodiagnostic studies revealed right-sided carpal tunnel syndrome of moderate severity and very mild left-sided carpal tunnel syndrome.

In an August 12, 2009 report, Dr. Taki noted that the August 7, 2009 diagnostic studies showed bilateral carpal tunnel syndrome. He placed appellant on light duty with the following work restrictions: no lifting more than 2.5 pounds, no pushing or pulling carts and grasping and fine manipulations for no more than 4 hours per day, 20 hours a week.

By decision dated October 13, 2009, the Office denied modification of the July 6, 2009 decision.

On November 23, 2009 appellant requested reconsideration. In a November 20, 2009 report, Dr. Taki stated that he was treating her for carpal tunnel syndrome and hand tendinitis. He advised that these conditions precluded her from performing her usual work duties which involved repetitive motions, handling, sorting and lifting mail. Appellant's work aggravated her

symptoms and worsened her condition. Dr. Taki excused her from work through December 31, 2009.

A September 22, 2009 treatment note, received by the Office on December 2, 2009, from Dr. Hanh V. Pham, a family practitioner, placed appellant off work for two weeks as of September 22, 2009.

By decision dated January 21, 2010, the Office denied modification of the October 13, 2009 decision.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that 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 timely filed within the applicable time limitation period of the Act, that an injury was sustained 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.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.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; (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 is usually rationalized medical 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. The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 claimant.⁴

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her claimed bilateral carpal tunnel and hand

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

tendinitis conditions and her federal employment. This burden includes providing medical evidence from a physician who concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.⁵

ANALYSIS

The Board finds that appellant failed to submit sufficient medical evidence providing a rationalized opinion relating her claimed bilateral carpal tunnel and bilateral hand tendinitis to factors of her federal employment. For this reason, appellant has not met her burden of proof to establish her claim.

The reports from Drs. Moen and Taki related findings of lower back pain on examination and diagnosed bilateral carpal tunnel syndrome and bilateral hand tendinitis. Neither physician, however, provided a probative medical opinion addressing how the claimed conditions or disability were causally related to employment factors. Dr. Moen placed appellant on light duty with restrictions in a June 18, 2009 report, but did not attribute the restrictions to any work-related condition. Dr. Taki opined that she had bilateral carpal tunnel syndrome and bilateral tendinitis reports and indicated that these conditions were caused or aggravated by her employment duties such as repetitive motions, handling, sorting and lifting mail. He also placed appellant on light duty with restrictions.

The reports from Drs. Taki and Moen are of limited probative value as the physicians did provide adequate medical rationale of how or why appellant's claimed bilateral carpal tunnel and bilateral hand tendinitis conditions were currently affected by or related to factors of employment.⁶ The weight of medical opinion is determined by the opportunity for and thoroughness of examination, the accuracy and completeness of physician's knowledge of the facts of the case, the medical history provided the care of analysis manifested and the medical rationale expressed in support of stated conclusions.⁷ The physicians of record did not sufficiently describe appellant's job duties or explain the medical process through which such duties would have been competent to cause the claimed conditions.

Dr. Taki did not explain how appellant's job duties physiologically caused the diagnosed conditions of bilateral carpal tunnel and bilateral hand tendinitis. His reports thus did not constitute adequate medical evidence to establish that she claimed bilateral carpal tunnel and bilateral hand tendinitis condition were causally related to her employment. The May 6, 2009 form report from Dr. Taki supported causal relationship with a checkmark. This evidence is insufficient to establish the claim as the Board has held that a checked box is not sufficient to establish causation as it lacks explanation or rationale.⁸

⁵ See *Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

⁶ *William C. Thomas*, 45 ECAB 591 (1994).

⁷ See *Anna C. Leanza*, 48 ECAB 115 (1996).

⁸ *Debra S. King*, 44 ECAB 203 (1992); *Salvatore Dante Roscello*, 31 ECAB 247 (1979).

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her conditions were caused, precipitated or aggravated by her employment is sufficient to establish causal relationship.⁹ Causal relationship must be established by rationalized medical opinion evidence and she failed to submit such evidence.

The Office advised appellant of the evidence required to establish her claim; however, she failed to submit such evidence. Consequently, appellant has not met her burden of proof in establishing that her claimed bilateral carpal tunnel and bilateral hand tendinitis conditions were causally related to her employment.

CONCLUSION

The Board finds that appellant has failed to meet her burden of proof to establish that her claimed bilateral carpal tunnel and bilateral hand tendinitis conditions were sustained in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the January 21, 2010 and October 13, 2009 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: January 5, 2011
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

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

⁹ *Id.*