

**United States Department of Labor  
Employees' Compensation Appeals Board**

G.S., Appellant	)	
	)	
and	)	<b>Docket No. 12-535</b>
	)	<b>Issued: June 11, 2012</b>
<b>DEPARTMENT OF THE AIR FORCE,</b>	)	
<b>WARNER ROBINS AIR FORCE BASE, GA,</b>	)	
<b>Employer</b>	)	
	)	

<i>Appearances:</i>	<i>Case Submitted on the Record</i>
<i>Appellant, pro se</i>	
<i>Office of Solicitor, for the Director</i>	

**DECISION AND ORDER**

Before:  
RICHARD J. DASCHBACH, Chief Judge  
MICHAEL E. GROOM, Alternate Judge  
JAMES A. HAYNES, Alternate Judge

**JURISDICTION**

On January 12, 2012 appellant filed a timely appeal from a July 19, 2011 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant sustained a bilateral carpal tunnel condition in the performance of duty.

**FACTUAL HISTORY**

On June 6, 2011 appellant, a 59-year-old sheet metal mechanic, filed a claim for benefits, alleging that he developed a bilateral carpal tunnel condition causally related to employment factors.

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

On June 10, 2011 OWCP advised appellant that it required factual and medical evidence to determine whether he was eligible for compensation benefits. It asked him to submit a comprehensive report from a treating physician describing his symptoms and the medical reasons for his condition, with an opinion as to whether his claimed condition was causally related to his federal employment. OWCP requested that appellant submit this evidence within 30 days.

In a May 21, 2002 report, received by OWCP on June 28, 2011, Dr. Martin A. Baggett, Board-certified in orthopedic surgery, diagnosed mild bilateral carpal tunnel syndrome based on a positive Tinel's test and positive Phalen's test. He stated that the condition could be aggravated by appellant's working with vibratory tools. Dr. Baggett recommended that he be placed on light duty with no use of vibratory tools and no repetitive motion work. He advised that appellant might ultimately require carpal tunnel release surgery to ameliorate his condition.

By decision dated July 19, 2011, OWCP denied the claim. It found that appellant failed to submit sufficient medical evidence to establish that his claimed bilateral carpal tunnel condition was sustained in the performance of duty.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>2</sup> 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 FECA, that the claim was timely filed within the applicable time limitation period of FECA, 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.<sup>3</sup> 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.<sup>4</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 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

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<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>4</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>5</sup>

A claimant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between his claimed bilateral carpal tunnel condition and his 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.<sup>6</sup>

### ANALYSIS

The Board finds that appellant failed to submit sufficient medical evidence to establish that his claimed bilateral carpal tunnel condition was related to factors of his employment.

Appellant submitted a May 21, 2002 report from Dr. Baggett, who diagnosed mild bilateral carpal tunnel syndrome and stated that appellant might eventually need carpal tunnel release surgery. Dr. Baggett placed appellant on light duty and restricted him from vibratory tools and repetitive motion work.

Dr. Baggett's report did not provide a rationalized medical opinion addressing how the claimed condition was causally related to appellant's employment duties as a sheet metal mechanic. 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.<sup>7</sup> Dr. Baggett 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 condition. He did not address appellant's preexisting conditions in any detail or how appellant's work duties were competent to cause this condition.<sup>8</sup> The report is also of diminished probative value because it was issued nine years prior to the date appellant filed his claim.

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

OWCP advised appellant of the evidence required to establish his claim; however, he failed to submit such evidence. Consequently, appellant has not met his burden of proof to establish that his claimed bilateral carpal tunnel condition was causally related to his employment.

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<sup>5</sup> *Id.*

<sup>6</sup> See *Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

<sup>7</sup> See *Anna C. Leanza*, 48 ECAB 115 (1996).

<sup>8</sup> *William C. Thomas*, 45 ECAB 591 (1994).

<sup>9</sup> See *Anna C. Leanza*, *supra* note 7.

On appeal appellant submitted a copy of an OWCP decision dated June 21, 2002, under File No. xxxxxx770, which notified him that his occupational disease claim had been accepted for bilateral carpal tunnel syndrome, as well as a copy of Dr. Baggett's June 18, 2002 report. This appeal was filed for review of the denial of appellant's June 6, 2011 occupational disease claim for OWCP File No. xxxxxx483. The Board has no jurisdiction to review appellant's medical evidence in conjunction with appellant's previous 2002 accepted claim.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

**CONCLUSION**

The Board finds that appellant has failed to meet his burden of proof to establish that his claimed bilateral carpal tunnel condition in 2011 was sustained in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the July 19, 2011 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: June 11, 2012  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

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

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